

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12554 of 2020

Arising Out of PS. Case No.-299 Year-2016 Thana- KATIHAR District- Katihar

Ahmad Ali Son of Late Mohmad Ali Resident of Mohalla - Idgah Tola, P.S.-
Supaul, District- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-07-2020 Heard Mr. N.K. Agarwal, learned senior counsel for
the petitioner and Ms. Anita Kumari, learned Additional Public
Prosecutor for the State via video conferencing.

The petitioner has filed the present application for
grant of pre-arrest bail in connection with Katihar Nagar P.S.
Case No. 299 of 2016 registered for the offence punishable
under Sections 406 and 420 of the Indian Penal Code.

It is contended by the learned senior counsel for the
petitioner that the petitioner has been implicated in the present
case in order to extract money from him. The informant never
entrusted any money to the petitioner and, therefore, there is
neither any case of breach of trust nor cheating. It is further
contended that only a vague statement has been made in the first



information report that after showing the cheque in the Bank, the Bank officials informed the informant about non availability of the fund in the account. The informant never presented the cheque before the Bank for encashment. Lastly, it is contended that the petitioner is a law abiding citizen having no criminal antecedent and if he granted pre-arrest bail, he is not likely to abscond or tamper with the evidence.

On the other hand, learned counsel for the State while vehemently opposing the grant of pre-arrest bail to the petitioner submitted that the allegation against the petitioner is that he had taken Rs. 3,44,000/- from the informant in the name of making loan from L.I.C. and when the loan was not sanctioned, he demanded his money back and the petitioner issued a cheque of Rs. 3,44,000/- which could not be encashed as there was insufficient balance in his account.

Considering the nature of allegation, the submission advanced at the bar and the fact that the petitioner having roots in the society and is not likely to abscond or tamper with the evidence, he is directed to be released on bail in the event of his arrest or surrender before the court below, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar in



connection with Katihar Nagar P.S. Case No. 299 of 2016,
subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

(Ashwani Kumar Singh, J)

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