

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13257 of 2020

Arising Out of PS. Case No.-399 Year-2013 Thana- MADHUBANI TOWN District-
Madhubani

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Raman Kumar Jha, aged about 54 years, male, Son of Girindra Mohan Jha,
Resident of Village - Navtoli, P.S.- Arer, Distt. - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

Mr. Arya Achint, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 04-03-2020 The petitioner seeks bail in connection with Nagar

(Madhubani) P.S. Case No. 399 of 2013, dated 23.12.2013,

instituted for the offences under Sections 406 and 420 of

the Indian Penal Code and Section 138 of the Negotiable

Instruments Act.

The petitioner is said to have issued several

cheques to the BSFC, all of which are alleged to have been



dishonored.

Mr. Ajay Kumar Thakur, learned Advocate for the petitioner has submitted that no F.I.R. could have been lodged for the offence under Section 138 of the Negotiable Instruments Act, 1881. It has further been submitted that offences under Sections 406 and 420 of the I.P.C. would also not be made out from the facts of the case. Apart from this, the main plank of argument of Mr. Thakur is that the petitioner has sufficiently been punished for the offences for which he is charged and, therefore, he should be released on bail.

The petitioner is stated to be in custody since 24.12.2018.

Considering this aspect of the matter, the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Special Court, Darbhanga in connection with Nagar (Madhubani) P.S. Case No. 399 of 2013.



The Court below while granting bail to the petitioner shall insist upon an undertaking by the petitioner that he shall participate in the trial and shall not absent himself under any circumstance whatsoever without seeking approval of the Trial court. Apart from this, the Court below shall require the petitioner to furnish a bond in the concerned police station in which jurisdiction the petitioner shall reside that he shall not leave the territorial confines of the districts of Madhubani and Darbhanga without intimating the Investigating Officer of the case. The petitioner shall provide his mobile telephone number to the Investigating Officer of the case and he shall keep such mobile telephone operative so that in case of any default of condition of bail, he could be tracked immediately.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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