

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28668 of 2020**

Arising Out of PS. Case No.-184 Year-2017 Thana- MUFFASIL District- West Champaran

KISHORE KUMAR SINGH @ KISHORE KUMAR Son of Deenanath Singh  
Resident of Village- Baisakhwa, P.S.- Gopalpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP.

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      04-01-2021                      Heard learned Counsel for the petitioner and the learned  
Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner apprehends arrest in Bettiah (Mufassil) PS Case No. 184 of 2017 registered under Sections 406, 504, 384 of the IPC and Section 138 of the Negotiable Instruments Act.

The informant has alleged that the petitioner has purchased stock of marble tiles which was valued at Rs. 4,90,000/-. Cheque for Rs. 1,40,000/- was allegedly issued and rest was to be paid in cash.

Learned Counsel for the petitioner submits that even as per prosecution case it is evident that the informant admits to have received Rs. 3,50,000/-. The cheque was issued as surety and has been misused by the informant for lodging the case which is evident from the fact that the complaint petition does not contain any details



regarding any notice being issued under the provision of N.I.Act. Only if such notice had been issued and there was failure on part of the petitioner to pay, the offence under Section 138 of the Negotiable Instruments Act would have been made out. The petitioner is on bail in Bettiah Muffasil PS Case No. 382 of 2016.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Bettiah, West Champaran in Bettiah (Mufassil) PS Case No. 184 of 2017 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

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