

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67775 of 2022

Arising Out of PS. Case No.-440 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

BIHARI LAL RAI @ BIHARILAL ROY Son of Shiv Nandan Roy R/v-
Jitwapur, Nizamat, Ward No. 7, Near- Prabhat Pustkalay, Post- Samastipur,
P.S.- Samastipur Mufassil, District- Samastipur, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. UMESH RAY Son of Late Monelal Ray R/v- Magardahi, Ward No. 29, Post
and District- Samastipur, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abhijeet Gautam, Advocate
For the Opposite Party/s :	Mr. Rajendra Nath Jha, APP
For the Informant :	Mr. Rajeev Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 26-06-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 420 of the
Indian Penal Code read with Section 138 of the Negotiable
Instruments Act.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the complainant
alleges that the petitioner had taken an amount of Rs. 4,00,000/-
in the year 2006 for which he had issued seven cheques totalling
Rs.2,40,000/- which were dishonoured on presentation for
encashment resulting in filing of the present complaint petition.



Learned counsel for the petitioner submits that offence under the Negotiable Instruments Act is bailable and no offence under Sections 406 and 420 of the Indian Penal Code is made out, it is further submitted that petitioner is disputing the issuance of cheques, however in the event, if the complainant is able to prove his case in the trial, the petitioner will suffer the consequences.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Samastipur Complaint Case No. 440 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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