

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78595 of 2024

Arising Out of PS. Case No.-380 Year-2022 Thana- RAXAUL District- East Champaran

Deepak Singh, Son of Saraju Prasad Singh, Resident of Village - Rajaapur,
Khoravir, P.O. - Ramnagar, P.S. - Jaunpur, District - Jaunpur (Uttar Pradesh)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pawan Kumar ,Son of Late Bijli Singh, Manager, Shiv Shakti Industries Pvt.
Ltd., Main Road, Near HDFC Bank, P.S. - Raxaul, District-East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 29-11-2024 Heard learned counsel for the petitioner and Mr.
Satyendra Prasad, learned APP for the State.

2.The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Raxaul P.S. Case No.380 of 2022 instituted for the offence
under Sections 420, 406 of the Indian Penal Code and Section
138 of the Negotiable Instruments Act.

3. The case of the prosecution is that the informant is
the supplier of chicken feed. The petitioner has taken chicken
feed from the informant worth Rs. 28,25,194/-. It is further
alleged that a cheque was issued by the petitioner which was
dishonored.



4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted that it is a case of business relation between the parties and if at all the cheque given by the petitioner was dishonored, the informant should have followed the procedure given in Section 142 of the Negotiable Instrument Act. It is well settled that for dishonor of cheque, Section 138 of the N.I. Act is attracted and for which case has to file in view of Section 142 after issuing notice and only complaint case can be filed. Petitioner is having no criminal antecedent.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Raxaul P.S. Case No.380 of 2022, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East



Champaran at Motihari, subject to the conditions as laid down
under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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