

(2014) 04 PAT CK 0048

In the Patna High Court

Case No : Criminal Miscellaneous No. 18565 of 2014

Bijay Anand @ Vijay Anand

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 25-04-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438(2)

Negotiable Instruments Act, 1881 (NI) — Section 138

Penal Code, 1860 (IPC) — Section 420

Citation : (2014) 04 PAT CK 0048

Hon'ble Judges : Prabhat Kumar Jha, J

Bench : Single Bench

Advocate : Pramod Mishra, Advocate for the Appellant; Shardanand Jha, Advocate for the Respondent

Judgement

Prabhat Kumar Jha, J.—Heard both sides.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 1074C/2012 for an offence alleged under sections 420 of the I.P.C. and Section 138 of Negotiable Instrument Act.

3. Learned counsel for the petitioner has submitted that the petitioner and the complainant are on business terms. The petitioner is ready to pay due amount of Rs. one lac and twenty five thousand to the complainant. No case u/s 420 of the I.P.C. is made out. Section 138 of N.I. Act is bailable and as such the petitioner may be enlarged on anticipatory bail.

4. On the other hand learned Additional P.P. opposed the prayer for anticipatory bail.

5. From the perusal of the complaint petition itself it appears that the petitioner was on business terms with the complainant and purchased tractor for which some amount was due but the petitioner is ready to pay the balance amount.

6. Considering the facts, I find that petitioner deserves anticipatory bail.

Accordingly, prayer is allowed.

7. Let the petitioner, above named, be released on bail, in the event of his arrest or surrender before the learned Court below within four weeks from the date of receipt/production of the order on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in Complaint Case No. 1074C/2012, subject to the conditions as laid down u/s 438(2) Cr. P.C.