

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29989 of 2014

Arising Out of PS.Case No. -2082 Year- 2012 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

Naushad Ali @ Md. Naushad Ali Son of Yunus Master @ Md. Yunus Alam
Resident of Mendu Khan Ka Hata, Dumraon, P.S.- Dumraon, District-
Buxar.

.... Petitioner

Versus

1. The State of Bihar
2. Sadhna Devi, W/o Shri Sanjay Singh, resident of village + P.O., Darbha
Magarpal, P.S.-Dariyapur, via- Sonapur, District-Saran, Proprietor-
Subhangi Enterprises, Sonapur, Hajipur

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, A.P.P.
For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 21-01-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner, apprehending his arrest in connection
with Complaint Case No. 2082 of 2012 registered for the offences
punishable under Sections 406 and 417 of the Indian Penal Code,
seeks the privilege of pre-arrest bail.

Allegedly, the petitioner being the Managing Director of
Garib Nawaz India Gas Pvt. Ltd. appointed the complainant as
distributor. Initially the company supplied the gas but later on, it
was stopped and then, the petitioner agreed to return back Rs. 6,
49, 225 to the complainant and for discharge of the said liability,

the petitioner issued three cheques but those cheques were dishonoured and then legal notice was sent but in spite of assurance of payment, the payment is not being made.

Submission is that no offence as alleged is made out. The petitioner was forced to give cheque of Rs. 6, 49, 225. The petitioner is admitting only said amount, for which, receipt was issued to the complainant by the official of the Company. There is no element of criminality rather, it is pure and simple case of civil nature, to which, the learned counsel for the complainant opposes by submitting that the petitioner has been cheated the amount of Rs. 6, 49, 225 and he is running pillar to post since 2012.

As in spite of legal notice, the petitioner has not been able to pay the amount, as claimed and further, considering that the petitioner has got criminal antecedent and as such, this Court is not persuaded to grant the privilege of pre-arrest bail to him and accordingly, such prayer stands rejected. However, in case and if so advised, the petitioner surrenders and seeks bail then his prayer for regular bail shall be considered on its own merit without being prejudiced by this order.

(Jitendra Mohan Sharma, J.)

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