

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20304 of 2015

Arising Out of PS.Case No. -320 Year- 2012 Thana -DALSINGHSARAI District- SAMASTIPUR
=====

Bhuwan Yadav, S/o Upendra Rai, R/o vill - Suroli, P.S. - Bhagwanpur,
District- Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mukesh Kr.Singh(APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 30-07-2015 Heard learned counsel for the petitioner and the

learned counsel for the State.

The petitioner is apprehending his arrest in connection with Dalsingsarai P.S. Case No.320 of 2012 for allegedly having committed the offences under Sections 341, 420 and 406 of the Indian Penal Code.

Learned counsel for the petitioner submits that it is only on account of non-payment of dues with regard to supply of milk that the present case has been filed against the petitioner, making false allegations. He submits that as per Annexure 3, the petitioner has already made final payment of Rs.5,53,000/- on 27.7.2012, but the complainant did not return the cheques, which were taken by him earlier for realizing the amount dues, instead he proceeded to present the cheque for payment of the same even after having taken payment, vide Annexure 3. In this

context, the petitioner had already filed an application to the Bank to stop payment of the amounts stated in the cheques, which have been obtained by the complainant in advance by way of security money and as such, no case is also made out against the petitioner under the provisions of the Negotiable Instruments Act.

Considering the aforementioned submissions and also the fact that the case stands out of purely civil dispute and the petitioner has already paid more than Rs.5,00,000/- to the informant, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur, in connection with Dalsingsarai P.S. Case No.320 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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