

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45898 of 2014

Arising Out of P.S. Case No. -1810 Year- 2013 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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1. Manish Kumar S/o Late Fani Bhushan Mishra resident of Gangjala, Ward No. 18, Police Station Saharsa, District - Saharsa at present Co-operative Extension Officer-cum-Assistant Registrar, Co-operative Society, Deputed at Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Adv.

For the Opposite Party/s : Mr. C. Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 07-10-2015 Heard learned counsel for the petitioner and learned counsel
for the State.

The petitioner apprehends his arrest in connection with Complaint Case No.1810 of 2013 in which cognizance has been taken against the petitioner under Section 420 of Indian Penal Code and Section 138 of the Negotiable Instruments Act.

The allegation against the petitioner is of non-returning of Rs. 1 lac to the complainant. The cheque so issued by the petitioner for the amount has bounced leading to the criminal case. The anticipatory bail application was considered by this Court on 10.4.2015 and while granting provisional bail to the petitioner, this Court directed the petitioner to make good the defaulted amount.



The matter was adjourned and thereafter has been taken up today when Mr. Viveka Nand Singh learned counsel for the petitioner has filed a supplementary affidavit submitting that the amount has already been returned to the complainant on 30.9.2015 vide Demand Draft No. 226211 dated 22.9.2015 drawn on the State Bank of India. A copy of the draft has also been enclosed.

Although the complainant has appeared through counsel Mr. Rishit Deo Kumar Singh but he is conspicuous by his absence.

Mr. Viveka Nand Singh learned counsel for the petitioner submits that since the amount has already been recovered by the complainant hence his loss of interest to pursue the matter. Mr. Singh further submits that in the circumstances that the bone of contest has been resolved and the payment has been made hence considering that the offences are compoundable, the complaint case itself be disposed of.

Although the submission of Mr. Vivekanand does bear substance in the circumstance that the amount in question has since been returned and the offences are compoundable but then these are matters to be taken into consideration by the court concerned in seisen of the matter at the time of disposal of the complaint case.

This Court thus while confirming the provisional bail of the

petitioner granted on 10.4.2015 would require the court below to consider the prayer of the petitioner in the light of the circumstance prevailing as also taken note of above.

This application is allowed.

(Jyoti Saran, J)

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