

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41928 of 2014

Arising Out of PS.Case No. -3218 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Lal Babu Rai S/o Sri Birendra Rai
2. Chandraket Rai S/o Giral Rai all are resident of Village- Jurawanpur,
P.O. Maniyarpur, P.S.- Bidupur, District- Vaishali.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioners : Mrs. Smt. Anuradha Singh
For the Opposite Party : None

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 10-04-2015 Heard learned counsel for the petitioners. No one
appears for the State.

The petitioners pray for anticipatory bail in a
case under Section 420/34 of the Indian Penal Code and Section
138 of the Negotiable Instruments Act.

Learned counsel for the petitioners submits that
the allegations made in the complaint are totally baseless as the
petitioners are respectively the Chairman and Member of the
Jurawanpur Panchayat PACS and the complainant is also
Chairman of PACS of his Panchayat and it was the complainant
who, on false pleas made to the petitioners, had taken Rs.
1,35,000/- in cash and a blank cheque for the purchase of wheat
from farmers but instead of acting in that manner, neither he
purchased the wheat nor returned the said amount and instead
wrote an astronomical amount of Rs. 15,00,000/- on the cheque

and presented it to the Bank as a result of which the cheque had bounced. It is submitted that as Chairman and Member of the PACS the maximum limit is only to the extent of Rs. 5,00,000/- for purchase of wheat by the petitioners in a year and thus there would have been no question of issuing a cheque of Rs. 15 lacs for purchase of wheat.

It is submitted by learned counsel that with respect to the said matter, the petitioner no. 1 has filed Complaint Case No. 3243 of 2013 against the complainant Mudrika Rai under Sections 323,341,406 and 420 of the Indian Penal Code narrating the aforesaid facts in which after taking cognizance, summons have been issued to the accused.

On a consideration of the facts and circumstances of the case, it is directed that the petitioners (1) Lal Babu Rai and (2) Chandraket Rai, in the event of their arrest/surrender in the court below within a period of four weeks from today, shall be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each in connection with Complaint Case No. 3218/2013 to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur subject to the other conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ramesh Kumar Datta, J)

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