

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43516 of 2015

Arising Out of PS.Case No. -579 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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Anil Kumar Gupta, Son of Binod Kumar @ Binod Kumar Gupta, Resident
of Village-Kanupatti, Ward No.-12, Bairgania, P.S.-Bairgania, District-
Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Amit Kumar Tekriwal, Son of Arun Tekriwal, Proprietor M/S Ram
Janaki Textile Sutapatti, P.S.-Town, Muzaffarpur, District-Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 14-10-2015 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No.579 of 2014 (Trial No.1296 of 2015)
registered under Sections 420 and 120(B) of the Indian Penal
Code besides Section 138 of the Negotiable Instrument Act.

The allegation of the complainant, Amit Kumar Tekriwal,
the proprietor of M/s. Ram Janki Textiles, Sutapatti, P.S. Town,
District-Muzaffarpur (opposite party no.2), is that Binod Kumar
Gupta and his son, Anil Kumar Gupta (petitioner), approached
him to take the clothes from his shop on credit giving assurance to

pay the money after selling the cloths and also to return the same if the clothes would not be sold. While Binod Kumar Gupta and his son, Anil Kumar Gupta (petitioner) took the clothes worth Rs.13,71,654/- and in lieu of payment, 13 cheques were issued by Binod Kumar Gupta, the father of the petitioner, in the name of M/s. Ram Janki Textiles, but the said cheques were said to be dishonored.

Learned counsel appearing on behalf of the petitioner submits that admittedly, the petitioner is the son of the co-accused Binod Kumar Gupta, who used to do the business of clothes and the petitioner has no concern with the business affair of his father. Moreover, the petitioner has passed B.A. in the year 2013 and presently, is residing at Patna for preparation of competitive examination but with an ulterior motive, the informant has lodged this false case against the father of the petitioner implicating the petitioner also. It is also submitted that the photocopy of the cheques, which are said to be issued to the complainant, is annexed at Annexure-‘5’ series to the application from which it appears that the same were issued by the father of the petitioner and not by this petitioner.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest

or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur, in connection with Complaint Case No.579 of 2014 (Trial No.1296 of 2015), subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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