

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37689 of 2015

Arising Out of PS.Case No. -1159 Year- 2011 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Jai Narayan Singh, Proprietor of M/S Kumar Sales Agency, at Zero Mile Police Check Post, Pahari Patna, 800026 (Bihar) Permanent Address Rai Bagh, P.S. Didarganj, P.O. Kachi Chai Dargh Patna City, Patna, Bihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Nitya Nand Trivedi S/o Mahendra Prasad Trivedi R/v - Sherpur, P.S. Sadar, Distt. - Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Rana Randhir Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 14-12-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 406 and 420/34 of the Indian Penal Code and section 138 of N.I. Act.

The prosecution case is that the complainant was working in managerial capacity of Mahendra Auto Service when the accused persons came and requested for sale demonstration of newly launched tractor and for giving two tractors for demonstration and sale. The accused persons took eight lacs rupees from the complainant and thereafter demonstration was

organized. Thereafter in December, 2010 they directed the complainant to return back the tractor when the complainant demanded eight lacs rupees when two cheques were given which got bounced.

The matter was referred to the Mediation on the prayer of the parties vide order dated 21.9.2015. The report of the Mediator reflects that the petitioner agreed to return eight lacs rupees in monthly installments of fifty thousand from February, 2016.

It is submitted by the learned counsel for the complainant that the proposal of the petitioner was not accepted by the complainant. The complainant wants that once the liability is admitted then the petitioner should return the amount as early as possible. Learned counsel for the petitioner undertakes to return the amount of rupees eight lacs in eight equal monthly installments in next eight months through bank draft in favour of the complainant. The offer is acceptable to the learned counsel for the complainant.

In the circumstances, let the above named petitioner be released on provisional anticipatory bail for nine months in the event of arrest or surrender before the learned Court below within a period of six weeks from today on furnishing bail bond of Rs.

10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Muzaffarpur in connection with Complaint Case No. 1159 of 2011 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on return of rupees eight lacs to the complainant in next eight months.

(Dinesh Kumar Singh, J)

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