

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10651 of 2016

Arising Out of PS.Case No. -981 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

=====

Nayyar Azam @ Naiyer Azam S/o Late Abdul Quadir, resident of Mohalla-
Chowkkhandi, P.S.- Sasaram (T), District- Rohtas. at present Resident of
Mohalla- Kalekhan Ki Neem, P.S. Sasaram (T), District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar.
2. Manoj Kumar S/o Satyanarayan Singh, resident of Mohalla- Chaukhandi
Road, P.S.- Sasaram (T), District- Rohtas.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh
For the Complainant : Mr. Bajrangi Lal
For the Opposite Party/s : Mr. S. Dayal(App)

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 24-05-2016 Heard Mr. Krishna Prasad Singh, for the petitioner and

Mr. Bajrangi Lal, for the complainant and Mr. S. Dayal, APP for
the State.

The petitioner herein seeks anticipatory bail in
Complaint Case No. 981 of 2014, registered under Sections 420,
406, 34 of the Indian Penal Code.

On going through the complaint, it appears that both
parties were engaged in business transactions. Allegation is that
a sum of Rs. 1,50,000/- was paid to the petitioner to be handed
over to accused no. 2 for supplying garments to the complainant
which were neither made nor the amount was returned.



The counsel for the petitioner states that indisputably both parties were having business transaction with each other. A business dispute has been given the shape of a criminal case. It does not appear from the allegation that there was any dishonest intention at the time of receipt of the amount. Both parties had business transaction from before. It is stated that certain amount outstanding with the accused has been paid to the petitioner, which has, however, been disputed by the counsel for the complainant.

Mr. Krishna Prasad Singh states that with a view to secure the privilege of anticipatory bail, the petitioner is ready to pay part of the cheated amount subject to the result of the case.

In the facts and circumstances of the case, let the petitioner above named, in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-X, Rohtas at Sasaram in Complaint Case No. 981/2014 on condition that one of the bailors shall be his own/close family member. The petitioner shall appear on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds. Along with bail bonds the

petitioner shall enclose documents/bank instrument(s) showing payment of a sum of Rs. 20,000/-, in favour of the complainant which shall be, however, subject to the result of the case.

(Kishore Kumar Mandal, J)

rohit/-

U		T	
---	--	---	--