

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29180 of 2016

Arising Out of PS.Case No. -2742 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Sunil Kumar S/o Rakesh Kumar Singh Resident of village - Madhopur,
P.S. Gautam Budhnagar (Tarwara), District - Siwan

.... Petitioner

Versus

1. The State of Bihar
2. Ashish Kumar S/o Uma Shankar Kunwar Resident of Mohalla -
Saraiya, Ward No. 4, P.S. Gopalganj, District - Gopalganj

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Manindra Nath Tiwari, Advocate
For the Opposite Parties : Mr. Sri Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 29-08-2016 Heard the counsel for the petitioner and Mr. Arun
Kumar Pandey, APP for the State.

A complaint is lodged against the petitioner alleging that he cheated the complainant posing himself as the relationship officer of a company. On an assurance that upon payment of certain amount, the dealership of Reebok company shall be given to him, it is alleged, that in 06 instalments, a sum of Rs.1,41,900/- was deposited by the complainant in the specified bank account of the petitioner. When the dealership of the company was not given the complainant exerted pressure whereupon Rs.10,000/- was refunded to the complainant. Subsequently, the complainant

denied payment of the remaining amount.

Learned counsel for the petitioner submits that it is a civil dispute. The process of the criminal court has been arbitrarily invoked by the complainant. To get the privilege of anticipatory bail, the petitioner would be willing to pay the some amount to the complainant without being prejudiced in his defence/rights and contention(s) in the case.

Considering the stand taken by the petitioner, I direct in the event of his arrest or surrender within a period of four weeks he shall be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each in connection with Trial No.719 of 2016 arising out of Complaint Case No.2742 of 2013 to the satisfaction of CJM, Gopalganj, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with following conditions:-

Along with the bail bond the petitioner must enclose the receipt or the bank instrument for a sum of Rs.15,000/- payable in favour of the complainant which the complainant shall be entitled to receive and draw. Payments so made shall be without prejudice to the right and contention of the parties.

(2) One of the bailors shall be own close family member.

(3) In the event of framing of charge, the petitioner shall be appear on each date fixed therein. In default in doing so on two

consecutive dates, the trial court shall have liberty to cancel his bail bonds and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

B.Kr./-

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