

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50986 of 2016

Arising Out of PS.Case No. -2262 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Ashok Kumar Srivastava, Son of Late Gunjeshwari Prasad, Resident of
Village- Bachua, Manjhagarh, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Badri Nath Pandey, S/o Laxman Panday, Vill- Thodwaliya, P.O.-
Balathari P.S.- Kuchaikote, Dist- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-01-2017 Heard learned counsel for the petitioner as well as

learned Addl. Public Prosecutor.

The petitioner prays for anticipatory bail in
connection with complaint case no. 2262/2013, T.R. no.
3671/2014 registered for the offence punishable under section 420
of Indian Penal Code and Sec. 138 of Negotiable Instruments Act.

In this case already, an order was passed vide order
dated 14.12.2016 granting bail to the petitioner. However, it
appears that by mistake of the concerned P.A., instead of the fact
of present case, facts of some other case has been typed though
operative portion is correct.



In view of the mistake in the order dated 14.12.2016, the same is modified and now, it will be read as complaint case no. 2262/2013, T.R. no. 3671/2014 for the offence under section 420 of Indian Penal Code and Sec. 138 of Negotiable Instruments Act, in place of Dagaruwa PS case no. 95 of 2016 for offences punishable under Section 7 of Essential Commodities Act.

As per prosecution case, petitioner was doing the business regarding sale and purchase of medicines and there was a deal between petitioner and opposite party no. 2, complainant. The case of the complainant is that he is proprietor of Erase Pharmaceutical company. Petitioner made a demand of Rs. 1,51,000/- as security amount for providing agency and supply of medicines, on which, complainant made payment of Rs. 1,51,000/- against which petitioner has handed over a cheque of Rs. 1 lac as security to the complainant. However, as the petitioner has not supplied medicines not provide agency, as such, complainant deposited the cheque in the bank which got bounced on account of insufficient fund.

It has been argued on behalf of petitioner that out and out, it is a civil dispute and for that he cannot be made criminally liable. It has further been submitted that whole



prosecution story is false and concocted.

Heard learned APP also.

Having heard both sides. It appears that this court has already granted bail to the petitioner vide order dated 14.12.2016 and petitioner was directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Addl. Chief Judicial Magistrate, Gopalganj subject to the conditions laid down in the order dated 14.12.2016.

As such, order dated 14.12.2016 is modified to the extent as stated above and as due to typographical error, petitioner could not be released on bail, hence, the modified order along with earlier order be communicated to the court below at once.

(Vinod Kumar Sinha, J.)

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