

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3691 of 2016

Arising Out of PS.Case No. -609 Year- 2015 Thana -FORBESGANJ District- ARRARIA

1. Trideo Kumar Singh, Son of Vijoy Singh
2. Shrideo Kumar Singh, Son of Vijoy Singh
Both are Resident of Village- Tamghati, P.S.- Bounsi, District- Araria.
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon
For the Opposite Party/s : Mr. Ahtasham Ali Khan(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

10 24-11-2016 Heard learned counsel for the petitioners
and learned counsel appearing on behalf of the
Informant and learned counsel appearing on behalf
of the informant.

The petitioners apprehend their arrest in
connection with Forbesganj P.S. Case No. 609 of
2015 for the offences registered under Sections 420,
406, 504 and 506/34 of the Indian Penal Code and
Section 138 of the N.I. Act.

Learned counsel for the petitioners submits
that there is a dispute between the parties with
regard to sale and purchase of Tractors. The number



of Tractors purchased are said to be 11 though the petitioners seriously deny the same. It is further submitted that he had paid the substantial amount of the money which was due for purchase of the Tractors but the informant is playing clever tactics and having taken an advance in his favour has now sought to produce the same by filing a case under the N.I. Act. It is further submitted that earlier also a case was filed under Section 138 of the N.I. Act which was dismissed by the Court and thereafter, revision was also preferred which too met with the same fate. Thereafter, the informant resorted to a clever devise by using photocopy of the cheque and has filed another case this time against the petitioner making false and frivolous allegations.

Notices were issued to the informant, who has appeared.

In his counter affidavit filed today, he has stated that the petitioner had taken 11 tractors from the company for which he had made payment for the same to the tune of Rs.27,00,000/- only as against the amount of Rs.39,13,615/-, as such, a

sum of Rs.12,13,615/- remained due from the petitioner. He, however, further submits that even amount of the Rs. 27,11,000/- had been paid by the informant and not the petitioner.

Learned counsel for the petitioner has, in response to the aforementioned submissions, brought my attention to an agreement dated 27.07.2013 which has been signed by both the parties and which is not denied before this Court by learned counsel appearing on behalf of the informant. The said agreement clearly reveals that a sum of Rs.7,59,900/- remained due from the petitioner. However, in the counter affidavit filed, altogether different story has been placed before this Court.

Having considered the rival submissions of the parties, it appears that there is clear doubt in the prosecution story and the informant has been making out different stories at different points of time earlier, about the bouncing of cheque to the tune of Rs.25,00,000/- whereas in the present litigation a total different story has been made out. As such, let

the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria, in connection with Forbesganj P.S. Case No. 609 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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