

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.22693 of 2015**

Arising Out of PS.Case No. -18 Year- 2015 Thana -KOTWA District-  
EASTCHAMPARAN(MOTIHARI)

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Raj Kumar Pandey Son of Surendra Pandey Resident of village - Gaira,  
Police Station - Kotwa, District - East Champaran

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Laxmi Kant, S/o- Surendra Ojha, Village Gaira, P.S. Kotwa, District-  
East Champaran.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar No.-7  
For the Opposite Party/s : Mr. R.S.Choudhary(APP)

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

8      06-01-2016                      Heard learned counsel for the petitioner and learned  
counsel for the Opposite party No. 2.

The petitioner apprehends his arrest in connection with  
Kotwa P.S. Case No. 18 of 2015 registered for the offences  
punishable under Sections 406 and 420 of the Indian Penal Code.

Earlier notices were issued to the opposite party no. 2  
and the case diary has also been called for.

Learned counsel for the petitioner submits that the  
petitioner and the opposite party no. 2 had a partnership business  
involving sale and purchase of Cows. It is further submitted that  
during the course of such transactions i.e. since 2010 to the date of  
filing of the present case, the relationship between the petitioner

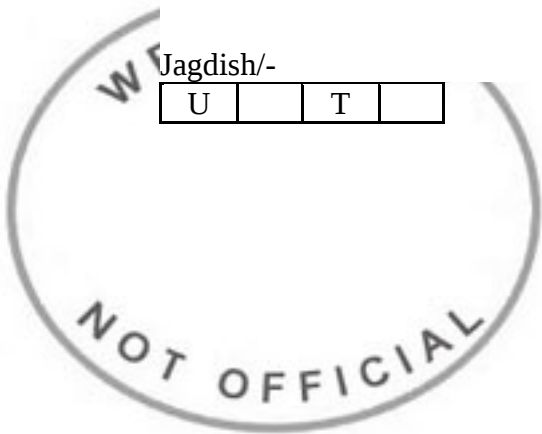
and the opposite party became sour. It is submitted that since difference arose, opposite party no. 2 taking advantage of being in possession of certain cheques used them against the petitioner alleging that he had given certain cheques which bounced due to insufficient funds. Hence, the consideration amount for the cattle, which had been purchased by the petitioner, remained unpaid.

Learned counsel for the opposite party no. 2 opposes the said contention of the petitioner stating that the opposite party no. 2 has invested the amount in his cattle business and has been seriously prejudiced by the fraudulent act of the petitioner and therefore, he may not be extended the privilege of pre-arrest bail.

Considering the rival contentions of the parties and also the materials available on record, this court feels that it is a dispute arising out of a business transaction which may be resolved by a Court in appropriate proceeding. As such, let the petitioner above named, in the event of his 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 enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran, Motihari in connection with Kotwa P.S. Case No. 18 of 2015, subject to the conditions as laid down

under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)



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