

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13864 of 2017

Arising Out of PS.Case No. -821 Year- 2012 Thana -BEGUSARAI COMPLAINT CASE District-
BEGUSARAI

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1. Arjun Prasad
2. Amarnath Prasad &
3. Pramod Prasad

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Dular Sah

For the Opposite Party/s : Mr. Sri Binod Kumar 3

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 07-04-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 821 (C) of 2012 instituted for the offence under Section-138 of N.I. Act and under Sections-418/420 of the Indian Penal Code.

It has been alleged on behalf of petitioners that for the alleged three cheques, , said to be dishonoured, three separate cases have been filed by the complainant. In one of the said cases, the petitioners have been granted anticipatory bail by a coordinate bench of this court vide order dated 06-05-2015 passed in Cr. Misc. No. 16800 of 2015.

As per allegation an agreement to sell was executed between the parties on payment of Rs. 14,51,000/- but the same



could not be executed as the property was mortgaged to the bank. The complainant himself has stated in paragraph-8 that the petitioners returned Rs. 10,000,00/- to the complainant and the original Mahadnama was returned by the complainant to the petitioners with assurance that remaining money will be paid. It is further alleged in the complaint that the petitioners issued three cheques of Rs. 50,000/- each which is said to have bounced. As such, from the complaint petition itself, it appears that the complainant has admitted that an amount of Rs. 10,000,00/- has already been returned by the petitioners to the complainant. Petitioners have already been granted anticipatory bail by a coordinate bench of this court in another case as mentioned above.

Considering the above-said facts and circumstances of the case as well as submission of the parties, this anticipatory bail petition is allowed and it is ordered that the petitioners named above, in the event of their arrest or surrender in the court below within four weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Complaint Case No. 821 (C) of 2012 to the satisfaction of Sri Deopriya Kumar, learned Judicial Magistrate-Ist Class, Begusarai subject to conditions as laid down



u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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