

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15964 of 2017

Arising Out of PS.Case No. -369 Year- 2012 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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1. Sanjay Kumar Singh, son of Yodha Singh,
2. Santosh Kumar, son of Jai Kishun Singh, Both resident of Sukhraouli,
P.O.- Barauli, P.S.- Piro, District- Bhojpur (Ara).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Suman Mishra, son of Lalan Mishra, resident of Naua, P.O.- Thanauti,
P.S.- Sikarhatta, District- Bhojpur (Ara).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Sri Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

- 2 03-05-2017 Heard learned counsel for the petitioners and the State.
- The petitioners apprehend their arrest in Complaint
Case No. 369C of 2012 instituted for the offence under Sections-
323, 406, 420/504 of the Indian Penal Code.
- It is alleged in the written report that both these
petitioners had taken 700 quintals paddy from the informant for
Rs. 7,00,000/- and promised to pay the amount by month of
January, 2011. It is further alleged that accused persons issued two
cheques of Oriental bank of commerce branch of Rs. 1.5 lacs each
and when the complainant deposited the aforesaid cheques, the
same was returned by bank on 07-06-2011 with endorsement that
the payment has been stopped.



The case has been registered by the informant on 03-03-2012.

Counsel for the petitioners submitted that there was commercial transaction. There is dispute between the parties with regard to supply of paddy by the complainant to the petitioners. It is also submitted that civil remedy is available for the same.

In such circumstances, prayer for anticipatory bail is allowed 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) with two sureties of the like amount each in connection with Complaint Case No. 369C of 2012 to the satisfaction of Sri Dinkar Kumar, learned Judicial Magistrate-Ist Class, Bhojpur, Ara subject to condition 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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