

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53188 of 2016

Arising Out of PS.Case No. -14 Year- 2016 Thana -PATNA COMPLAINT CASE District- PATNA

=====

Om Prakash Bhardwaj, Son of Jawahar Lal Bhardwaj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sanjay Kumar, Proprietor of M/S Patna Solar System.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate.

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

6 15-02-2017 Heard learned counsel for the petitioner, learned counsel for the complainant and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 14 of 2016 registered under Sections 323, 406, 420 and 120(B) of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

The allegation of complainant is that he being the proprietor of M/S Patna Solar System, Nutan Mahalaxmi Complex, Near C.D.A. Office Building, Gandhi Maidan, Patna, supplied the materials of Solar System to the firm of the petitioner and Jawahar Lal at Begusarai worth of Rs.2,59,000/- which was received by the firm employee Brajesh Kumar. Till 31.07.2015, Rs.19,51,693/- was due regarding the supply of Solar System materials to the firm of petitioner. Four cheques regarding due amount were hand over



to him. On the request complainant returned the cheques and a cheque of Rs.19,40,028/- was issued in favoaur of 'The Patna Solar System' but on presentation for encashment, the cheaque was dishonoured by the Bank. In spite of notice, accused-petitioner did not take any steps for payment.

Learned counsel for the petitioner submits that admittedly, petitioner had business transaction with the complainant-opposite party but intentionally the blank cheque, which was given to the complainant-opposite party no. 2 by the firm of the petitioner, was misused presenting before the Bank of encashment.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the J.M. Ist Class, Patna, in connection with Complaint Case No. 14 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

U		T	
---	--	---	--

