

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40016 of 2017

Arising Out of PS.Case No. -337 Year- 2015 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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Suresh Prasad son of Late Gopal Prasad @ Gopal Sah, resident of Andi Gola, Sudhakar Lane, Police Station- Muzaffarpur Town, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avinash Kumar

For the Opposite Party/s : Mr. Sri Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 31-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Muzaffarpur Town P.S.
Case No. 337 of 2015 instituted for the offence under Sections-406,
379, 323, 341 & 504/34 of the Indian Penal Code.

It has been submitted that the real fact is that the informant is a tenant of the petitioner and he persuaded the petitioner to do business with him in electrical goods. Accordingly, a partnership firm namely, "M/s Muzaffarpur Traders" was established on 07-03-2014 and an agreement to that extent was made. The residential house of the petitioner was mortgaged and when the business could not be made properly by the informant, the account became NPA. The SBI initiated the Debts Recovery proceeding against the petitioner, then he asked the informant about his mischief and the informant issued two cheques



amounting to Rs. 20,00,000/- (twenty lacs) which was dishonoured by letter dated 16-05-2015. The informant refused to pay the aforesaid amount to the petitioner and thereafter, complaint case was filed on 27-06-2015 bearing Complaint Case No. 1721 of 2015. It is further alleged that two cheques were further given by the informant to the petitioner total amounting to Rs. 16,00,000/- (sixteen lacs) which also got bounced, for which, the petitioner filed Muzaffarpur Town P.S. Case No. 485 of 2015 against the informant. Thereafter, in retaliation, the instant case has been filed against the petitioner by the informant levelling false allegation.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six 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 in Muzaffarpur Town P.S. Case No. 337 of 2015 to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur 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) petitioner 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 petitioner and (3) if petitioner



tampers 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 petitioner.

(Sanjay Priya, J)

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