

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56236 of 2017

Arising Out of PS.Case No. -3163 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Manjay Kumar Chaudhary, S/o Late Mahendra Nath Chaudhary, R/o
Village- Kalwari, P.S.- Kanti, District- Muzaffarpur.

.... Petitioner.

Versus

1. The State of Bihar.
2. Excel Paper Packaging Private Limited, a private Limited Company registered under the Companies Act 1956, having its registered office at A-1 & A-2 (P) Industrial Area, Hajipur, P.S.- Industrial Area, District- Vaishali, through its Director, Gujan Khemka, 320, Ashiana Tower, Exhibition Road, P.S.- Gandhi Maidan, District- Patna.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr.
For the State : Mr.
For the Opposite Party No.2 : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 11-12-2017 Heard learned counsel for the petitioner and the learned

A.P.P. for the State as also the learned counsel for the opposite

party no.2.

The petitioner apprehends his arrest in connection with

Complaint Case No.3163(C) of 2015 registered under Sections

406 and 420 of the Indian Penal Code besides Section 138 of the

N.I. Act.

The accusation is that the opposite party no.2 supplied

cartoon boxes worth Rs.31,41,917/- to the petitioner but the



petitioner paid Rs.17,05,671/- only to the opposite party no.2. In spite of repeated request by the opposite party no.2, the rest amount was not paid by the petitioner to the opposite party no.2. While two chques, one of Rs.8,00,000/- and another of Rs.10,70,000/-, were issued by the petitioner in favour of the opposite party no.2 but the same were dishonoured.

Learned counsel for the petitioner submits that the dispute relates to the accounting of the materials and price, which is to be paid by the petitioner to the opposite party no.2. The petitioner and the opposite party no.2 have settled their dispute amicably out of the Court in terms of the undertaking of the petitioner that Rs.4,67,000/- would be paid by him to the opposite party no.2 within five months. The first instalment of Rs.1,00,000/- would be paid by the petitioner to the opposite party no.2 at the time of his surrender in the trial court.

Learned counsel for the opposite party no.2 conceded that the matter has been settled by the petitioner and the opposite party no.2 in terms of the undertaking of the petitioner to pay Rs.4,67,000/- to the opposite party no.2 within five months.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail



on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Kumari Jyotsna, Judicial Magistrate, First Class, Patna, in connection with Complaint Case No.3163 (C) of 2015, subject to the conditions laid down under Section 438(2) Cr.P.C., on production of certificate about transferring of Rs.1,00,000/- in the account of the opposite party no.2 by the petitioner.

(Rajendra Kumar Mishra, J)

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