

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56349 of 2017

Arising Out of PS.Case No. -1440 Year- 2015 Thana -BHABHU(KAIMUR) COMPLAIN C
District- BHABHUA (KAIMUR)

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1. Prem Chand, Son of Late Atma Ram, M/S Prem Chand Sunil Goyal
Whole Sale Dealer and Proprietor of all kinds of Rice, Aata, Maida, Suzi
and Besan, Deals in Best Special Bhaebha Rice Carnal Mahalaxmi Chakki
Aata (Nilkamal) Bekari Special Maida, Samrala Gurmandi, Patiyala, P.S.-
Kotwali City, District- Patiyala (Panjab), Resident of B- 14/77, Palang
Bazar, Patiyala, P.S.- Kotwali City, District- Patiyala (Punjab)

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ayodhya Kumar Gupta, Son of Shri Kashi Nath Sah, Resident of
village- Baghini, P.S.- Mohania, District- Kaimur (Bhabua).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra

For the Opposite Party/s : Mr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 29-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Complaint Case No.
1440 of 2015 (Registration No. 1659 of 2015) instituted for the offence
under Sections 420 and 406 of the Indian Penal Code.

It is alleged in the complaint that complainant supplied
1454 quintals of rice, costing Rs. 27,45,338/-, to the petitioner on
08.01.2014 in good faith but the petitioner did not make payment even
after the request.

Learned counsel for the petitioner has submitted that the
occurrence is of 08.01.2014 but the complaint has been lodged on
25.11.2015 after a delay of more than one year. It is further pointed out
that against the order dated 01.02.2016 passed by learned Magistrate,
by which complaint case was dismissed u/s 203 Cr.P.C. on the ground
that there was no merit in the complaint, the complainant preferred



criminal revision before the learned Sessions Judge, which was allowed and thereafter, learned Magistrate after holding further inquiry found prima facie case against the petitioner by order dated 07.01.2017 for offence u/s 420 and 406 IPC on the aforesaid complaint itself. There is no document filed in support of supply of 1454 quintals of rice by the petitioner.

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 Complaint Case No. 1440 of 2015 (Registration NO. 1659 of 2015) to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Bhabua, Kaimur 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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