

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74512 of 2018

Arising Out of PS. Case No.-24592 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

-
1. Antika Kumari, wife of Shyam Babu Singh,
 2. Shyam Babu Singh, son of late Singho Singh, both resident of Ram Nagar Colony, P.O.- Dhanaut, P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Girish Kumar, son of late Braj Kishore Prasad Singh, Resident of Mohalla- Chhapra Niwas, East Budha Colony, P.S. Budha Colony, District- Patna, Pin Code- 800001.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 13-12-2018 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in **Complaint Case No.24592**
(C) of 2014 instituted for the offence under Section(s) 420, 406,
323 Indian Penal Code and Section 138 of the NI Act.

In the Complaint Petition, it is alleged that Rs.47.50
lac was given by the Complainant to the petitioner No.1 as loan.
These petitioners assured the Complainant that they are
interested to sell three storied building situated at Mohalla-
Dhanaut. They have entered into agreement and Antika Kumari
received rupees fifty lac and made a receipt on the aforesaid



agreement. It is further alleged that accused persons were not ready to execute the sale deed and they issued cheque of Rs.63 lac in favour of the Complainant due to delay. The aforesaid cheque was returned due to insufficient fund.

Counsel for the petitioners submits that petitioners are husband and wife. As per allegation, there is dispute of money transaction for which civil remedy is available. It is further submitted that it is mentioned in the impugned order itself that petitioners earlier paid rupees fifteen lac to the Complainant after entering into compromise.

It is further submitted that in the instant case cognizance has already been taken under Negotiable Instruments Act. Both the parties have entered into agreement. The civil remedy is available to the informant.

In the facts and circumstances of the case, prayer of the petitioners for grant of bail is allowed. Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Sub Judge IX cum Additional Chief Judicial Magistrate, Patna**, in connection with **Complaint Case No.24592 (C) of 2014**, subject to the condition that both the bailors shall be close relative of the



petitioners.

(Sanjay Priya, J)

J. Alam/-

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

