

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7005 of 2018

Arising Out of PS. Case No.-652 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Dipak Kumar Sandilya Son of Manoj Ray, Proprietor Sagar Bricks Industry (SagarInt Udyog) Village-Panchrukhi, P.S. Muffasil, District-Samastipur.
 2. Manoj Ray Son of Sri Rasagar Ray, Village-Panchrukhi, P.S. Muffasil, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bimal Kumar Son of Late Sikandar Choudhary, Villae Nilo Rukundpur, P.S. Tisiauta, District Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kr. Thakur
For the State	:	Mr. Nawal Kishore Pd, APP
For the Informant	:	Mr. S.P.Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 19-02-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in complaint case no. 652 of 2017 instituted for the offence under Section(s) 323 and 379/34 of the Indian Penal Code and Section 138 of Negotiable Instrument Act.

As per the complaint the complainant was coal supplier and supplied 12 trucks of coal which weighed about 20 tones of coal worth amounting to Rs. 22,43,685/- to the petitioners. The petitioners only paid Rs. 13, 27,700/- and Rs. 9,15,985/- was due against the petitioners. The complainant made demand of



money due against the petitioners then the petitioners gave three cheques but the same were dishonored due to insufficient fund.

From the complaint petition it appears that no description of any cheque has been given in the complaint petition. The complainant, in his S.A. also has not given any description of the cheque.

Learned counsel for the petitioners has submitted that it was a business dealing and, if any such amount is due, then civil remedy is available to the complainant.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with complaint case no. 652 of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the CJM Samastipur, subject to the conditions as laid down under Section 438(2) Cr. P.C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners 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 petitioners and (3) if petitioners tamper 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 petitioners.

(Sanjay Priya, J)

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