

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2017 of 2018

Arising Out of PS. Case No.-340 Year-2010 Thana- SASARAM MUFFSIL District- Rohtas

1. Surjit Singh, S/o Sri Premnath Singh, R/o Village- Shivpur, Diara, Badri, P.S.- Kotwali, Balia (U.P.))
2. Gopal Singh, S/o Late Kapil Deo Singh, (aged 50 years), R/o Village- Bharkhore, Vadilpur, P.S.- Haldi, Dist- Balia (U.P.)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned Counsels for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 406/420 of the Indian Penal Code and 138 of the Negotiable Instruments Act.

The prosecution case is that the petitioners being the contractors of Power Grid Corporation of India purchased stone chips from the informant worth Rupees Three Lakhs Seventy Thousand, but payment was not made. Subsequently, two cheques, amounting to Rupees Three Lakhs Twenty Thousand and Fifty Thousand were issued in favour of the informant, but the payment was not made by the bank since the petitioners informed the bank to stop the payment. Thereby,



the petitioners cheated the informant. Hence, the informant sent a legal notice to the petitioners.

It is submitted by learned counsel for the petitioners that in 2013 the petitioners preferred anticipatory bail application before the learned Sessions Judge and in pursuance to that Rupees Two Lacs Twenty Thousand was deposited in the account of the informant and rest Rupees One Lac Fifty Thousand was given in cash. Thereafter, the informant was ready to reconcile the issue, but subsequently he retracted from the initial version and the police submitted chargesheet and bail application of the petitioners were rejected in 2013. Thereafter, the petitioner preferred ABP No. 1432 of 2017 before the learned District and Sessions Judge, Rohtas at Sasaram. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Considering the nature of accusation arising out of contractual nature of dispute between the informant and the petitioners keeping in view of the fact that a compromise petition was filed before the learned Sessions Judge, which has been brought on record as Annexure-2 to the application coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let



the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Rohtas, in connection with Sasaram (Muffasil) P.S. Case No.340 of 2010, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The learned Court below would be at liberty to cancel the bail bonds of the petitioners, if they default for two consecutive occasions keeping in view of the fact that the case was lodged in 2010, when the present application has been registered in 2018

(Dinesh Kumar Singh, J)

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