

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11244 of 2018

Arising Out of P.S.Case No. -1771 Year- 2006 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

- =====
1. Rajendra Puri, Son of Samundi Lal Puri, Resident of 208 Green Park, P.S.- Chauki No.- 7, Jalandhar City, District- Jalandhar, (Punjab) 144001, Managing Director, Neel Kamal Rubbers Pvt. Ltd. Having its registered office at Basti Mithu, Kapoorthala Road, Jalandhar (Punjab).
 2. Manav Puri, Son of Rajendra Puri, Resident of 208 Green Park, P.S.- Chauki NO.- 7, Jalandhar City, District- Jalandhar, (Punjab) 144001. Director, Neel Kamal Pvt. Ltd. Having its registered office at Basti Mithu, Kapoorthala Road, Jalandhar (Punjab).

.... Petitioners

Versus

1. The State of Bihar.
2. Om Prakash Gupta, son of Dharmnath Prasad, Resident of Mohallah- Dharmsamaju Chowk, P.S.- Chhatauni, District- East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. P.K.Sahi, Sr. Advocate
For the Opposite Parties : Mr. Ashok Kumar Singh, APP
For the Complainant : Mr. Dhurendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

4 03-05-2018 Heard learned counsel for the petitioners, learned counsel
for the APP as well as the State.

The petitioners apprehend arrest in connection with
Complaint Case No.1771 of 2006 registered for an offence under
Sections 406, 420 and 120B of the IPC.

The allegation is that the petitioners are whole sale
supplier of bicycle and rickshaw parts and in course of business
transaction, it is alleged that the complainant gave two demand
drafts for an amount of



Rs.37,927/- to the petitioners' firm against which no material was supplied.

It has been submitted that the drafts were neither issued in favour of the petitioners nor in favour of any of the employees of the Firm and so no offence under Sections 406, 420 and 120(B) of the IPC is made out. The petitioners have no criminal antecedent and the dispute is purely a civil dispute arising out of business transaction.

The learned APP as well as the complainant opposed the submissions.

Considering the nature of dispute facts and circumstances, prayer for anticipatory bail is allowed. Let the above named petitioners in the event of their arrest or surrender before the court below within six weeks from today 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 CJM, East Champaran, Motihari in connection with Complaint Case No.1771 of 2006, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall cooperate in the disposal of trial and make themselves



available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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