

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12101 of 2018

Arising Out of PS.Case No. -722 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

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Vijay Mishra @ Vijay Kumar Mishra S/o Late S.D. Mishra, R/o Kumar
Talkies, Dhansar, P.S.- Bank More, District- Dhanbad, State Jharkhand.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Nand Kishore Prasad, S/o late Ram Swaroop Lal Yadav, R/o
Mathura Prasad Sinha Road, P.S.- Kadamkuan, Distt. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Shankar Choudhary, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 10-07-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint**
Case No. 722 (C) of 2010 instituted for the offence under
Sections 323, 406, 506 of the Indian Penal Code and Section 138
of N.I. Act.

It is alleged against the petitioner that in course of
business, complainant gave loan of Rs.4,00,000/- to the petitioner.
The petitioner gave cheque of the aforesaid amount to the
complainant. When the cheque in question was presented in the
bank, the same was dishnoured with endorsement that account has
been closed.

Learned counsel for the petitioner has submitted that



entire money has been paid by the petitioner to the complainant. The complainant has filed compromise petition in the court below, copy of which has been enclosed as Annexure-2. In paragraph-3 of the compromise petition the complainant has admitted that accused persons have paid the entire cheque amount (disputed amount) to the complainant. There is no dispute between the parties now.

Report was called for from the court below which has been received. From the report it appears that only NBW has been issued against the accused. The process under Section 82/83 Cr. P.C. has not been issued against the petitioner.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Complaint Case No. 722(C) of 2010**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate-cum-Sub Judge-X, Patna**, 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) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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.

S.Ali/-

(Sanjay Priya, J)

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