

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9627 of 2018

Arising Out of PS.Case No. -173 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

=====

1. Geyasur Rahman @ Nanhe Khan S/o Late Yasin Khan, R/o Village-
Kolhua Chantarwa, P.S.- Chantarwa, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sheikh Sahabuddin S/o Late Sheikh Md. Hussain, R/o Village-
Chantarwa, P.S.- Chantarwa, District- West Champaran.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 02-05-2018 Heard learned counsel for the petitioner as well as the

State.

The petitioner apprehends his arrest in Complaint Case

No. C-173/2014 instituted for the offences under Sections 406, 420,

323 and 504 of the Indian Penal Code.

It is alleged in the complaint petition that the

complainant gave an amount of Rs. 3 lakhs by cheque and Rs. 2

lakhs by cash to the petitioner in presence of witnesses as petitioner

had made request for financial help. The petitioner agreed to deliver

bricks worth Rs. 5 lakhs to the complainant within the period March,

2012 to June, 2012, but the bricks were not supplied.

Learned counsel for the petitioner has submitted that



prior to lodging of the present complaint, the complainant had complained to the police, West Champaran. The police made enquiry on the direction of the S.P., West Champaran on the said complaint and in the enquiry report dated 29.07.2013 and 30.06.2013, it transpired that bricks had been supplied to the complainant.

A counter affidavit has been filed by the complainant in which the complainant has denied of having received the bricks.

Learned counsel for the complainant has pointed out Annexure-1 filed with the counter affidavit along with legal notice. He has also raised doubt with regard to police report dated 29.07.2013 and 30.06.2013.

Learned counsel for the petitioner submits that he has already supplied bricks and only 30,000 bricks out of 3 lakhs bricks are required to be supplied by the petitioner to informant. The petitioner is ready to supply aforesaid bricks to the complainant. The counsel for complainant has no objection in receiving 30,000 bricks from the petitioner, subject to his right for further claim during trial.

The petitioner is directed to deliver 30,000 bricks of first quality to the complainant within a period of one month from the date of receipt of this order.

In the event of producing the valid receipt of supply of 30,000 bricks to the informant by the petitioner at the time of surrender within a period of one month from date of receipt of this



order, 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 the learned Sub Divisional Judicial Magistrate, Bagaha, West Champaran in Complaint Case No. 173/2014, subject to the conditions as laid down under Section 438(2) of the 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner 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 petitioner.

It is observed that in the event the receipt is not granted by the informant to the petitioner in favour of supply of 30,000 bricks, the petitioner will file the necessary document in support of supply of 30,000 bricks to informant in court at the time of his surrender.

(Sanjay Priya, J.)

Rakhi

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

