

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.6643 of 2019**

Arising Out of PS. Case No.-552 Year-2018 Thana- PATNA COMPLAINT CASE District-  
Patna

- 
1. Sudhir Kumar Gupta
  2. Sumit Kumar, both sons of late Bhola Prasad Sah P/o- M/s Kishan Rice and Dall Mills, New Industrial Area, Bela , PO- Lalbagh, PS- University Thana, District- Darbhanga, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Harsha Kumar Sahu Son of late Raghunath Prasad P/o- M/s H.K. Enterprises, Ganj Par (Bankipur Gorakh), P.O.+P.S.- Fatuha, District- Patna

... .. Opposite Party/s

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**Appearance :**

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|----------------------------|---|-----------------------------------|
| For the Petitioner/s       | : | Mr. Kamlesh Kumar Singh, Advocate |
|                            |   | Mr. Brajesh Kumar, Advocate       |
| For the Opposite Party/s : |   | Mr. Sunil Kumar Pandey, Advocate  |

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

2      05-02-2019                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 323/406/504 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

The allegation arises out of business deal between the parties. It is admitted position that part money of the purchased goods was paid by the petitioners. Hence, dishonest intention of the petitioners at the inception of agreement cannot be assumed.

Considering the aforesaid facts, let the petitioners,



above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-V, Patna City, Patna, in connection with C.A. No.552 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

**(Birendra Kumar, J)**

Mkr./-

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