

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11992 of 2019

Arising Out of PS. Case No.-2388 Year-2013 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Bishundeo Thakur @ Bishnudeo Thakur, Son of Late Bhojal Thakur, Resident of Village – Khiddi, PS- Rajoun, Distt - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanhaiya Prasad Gupta, Son of Late Bhagwan Lal, Resident of Village – Pachgachiya, P.O. Pachgachia Bazar, P.S. Gopalpur, Dist. Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Baxi S.R.P. Sinha, Adv. Mr. D.K. Pandey, Adv.
For the Opposite Party/s	:	Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 01.12.2018 in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 420, 406 and 34 of the Indian Penal Code and under Section 138 of the N.I. Act.

The prosecution case is that the wife of the petitioner, being a contractor was awarded contract for conducting pitching work of the public road which runs from Rangra Chowk to Sukatiya Bazar Road, in that connection, the petitioner and his wife took 5200 bags of cement worth Rs.17,81,950/- from the shop of the informant on credit. It is



further alleged that the petitioner paid Rs.4,00,000/- through cheque and the remaining amount of Rs. 13,81,950/- was not paid. Thereafter, two cheques of Rs.2.50 lacs and Rs. 1.48 lacs were issued to the complainant by the petitioner, but both the cheques got dishonoured.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, no case under Section 420 of the I.P.C. is made out against the petitioner. It is further submitted that there is nothing on record to prove the complicity of the petitioner in the alleged offence and the agreement is made between the wife of the petitioner and the informant. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that there is specific accusation against the petitioner.

Considering the contractual nature of dispute and the period under custody, coupled with the statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **A.C.J.M.-IIInd, Bhagalpur** in connection



with **Complaint Case No.2388 of 2013.**

(Dinesh Kumar Singh, J)

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