

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16149 of 2019

Arising Out of PS. Case No.-375 Year-2018 Thana- BUXAR District- Buxar

Prop. Abhay Rai @ Abhay Rai Son of Sri Niwas Rai Resident of Baibhav IIT
Udyog, Barkagaon, P.S.- Industrial Area at Present Baba Nagar, West Gali, of
Cambridge School Syndicate, P.S.- Buxar (Muo) of Buxar District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amit Kr. Singh Son of Sri Nandu Singh Resident of Village- P.P. Road,
Front of Alka Cinema, P.S.- Buxar (Nagar), District- Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nishant Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare, APP
For the Informant	:	Ms. Mayuri, Advocate
		Mr. Ravi Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 29-04-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 406/420 of the Indian Penal Code and Section 138 of N.I. Act.

The complaint based FIR would reveal that the complainant and the petitioner were to start partnership business on the proposal of the petitioner. The complainant had advanced rupees twenty lacs. Subsequently, the agreement could not be signed. When the complainant asked for refund of money, one lack was paid by cash and cheque of rupees



nineteen lacs was handed over which allegedly bounced.

Learned counsel for the petitioner submits that perusal of the entire averments in the complaint petition does not make out dishonest intention of the petitioner at the inception. Moreover, the legal notice on dishonour of cheque was sent on 25.06.2018 as stated in the complaint petition and the complaint petition was filed on 05.07.2018 without allowing the statutory period of 15 days for making payment against the bounced cheque. Moreover, the nature of allegation would reveal a case of civil dispute.

Learned counsel for the complainant opposed the prayer for bail.

Considering the facts aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Buxar (Nagar) P.S. Case No.375 of 2018, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below having immovable property in his name.

(b) The petitioner 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 petitioner.

(Birendra Kumar, J)

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