

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18844 of 2019

Arising Out of PS. Case No.-2289 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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VIDHYALAL MUKHIA Son of Late Kamal Mukhiya Resident of Village-
Baidhyanathpur, Ward No. 12, Gidhaura, P.S.- Bettiah, Muffasil, District-
West Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ram Prasad Vishwakarma Son of Late Jagarnath Mishtri Resident of - Gulab
Bag, Near Power House, P.S.- Bettiah Town, District- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 06-05-2019 This application, for grant of anticipatory bail, arises

out of Tr. No. 493/2018, (arising out of Complaint Case No.
2289/2017) disclosing offences under Sections 406, 420 and 120
of the Indian Penal Code and Section 138 of the Negotiable
Instruments Act.

Allegation as per complaint petition is that the
complainant gave Rs. Eight lakhs in different installments for
doing fishery business on the agreement that petitioner will
return the amount till September 2017 and on demand by the
complainant petitioner gave two cheques of total Rs. Five Lakhs
and Fifty Thousand, which were dishonored by the bank on
presentation.



Submission of learned counsel for the petitioner is that no such transaction has been done by the petitioner as he has never taken any money from the complainant and as there was dispute between the petitioner and his wife, for which, his wife has lodged a case under Section 498A of the Indian Penal Code and complainant was a mediator, the petitioner had handed him over the aforesaid two cheques worth Rs. Five Lakhs and Fifty Thousand to give the same to his wife as one time settlement, however, he misused the same. However, after some argument, learned counsel for the petitioner agreed to pay half of the amount of Rs. Five Lakhs Fifty Thousand on grant of anticipatory bail, if provided some reasonable time.

Heard learned A.P.P. also as well as learned counsel for the complainant. Learned counsel for the complainant has submitted that the story carved out by the petitioner is false and concocted and he has taken altogether Rs. Eight lakhs.

Having heard both sides, considering the facts and circumstances of the case and also the submission of the parties, this application is disposed of with direction to the petitioner to surrender before the court below within a period of six weeks along with a bank draft of Rs. Seventy Five Thousand drawn in favour of the complainant and the court below after verifying



the same shall release the petitioner on provisional bail for a period of six months, during which, period the petitioner will pay the remaining amount of Rs. Two Lakhs in two equal installments and once the half amount of Rs. Five Lakhs Fifty Thousand i.e. Rs. 2,75,000/- is deposited, the court below shall confirm the provisional bail of the petitioner, otherwise, he is free to pass any order as he deems fit and proper.

It is made clear that the amount so deposited by the petitioner will be released in favour of the complainant and the entire deposit will be subject to the final outcome of the case.

(Vinod Kumar Sinha, J)

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