

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16612 of 2019**

Arising Out of PS. Case No.-364 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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AJIT KUMAR SINGH Son of Late Nageshwar Prasad Singh @ Nageshwar
Singh Resident of Village - Raghunathpur, P.S.- Tajpur, Distt - samastipur.

... .. Petitioner.

Versus

1. The State of Bihar
2. Sunil Kumar Dwivedi Son of Late Tarak Nath Dwivedi Resident of Village -
Wazidpur, P.S.- Vidyapati Nagar, Distt - Samastipur.

... .. Opposite Parties.

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Appearance :

For the Petitioner	:	Mr. Surya Narayan Roy, Advocate.
For the State	:	Mr. Gulnar Begum, A.P.P.
For the opposite party no.2:	:	Mr. Alok Kumar Alok, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 21-06-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel for the

opposite party no.2.

The petitioner apprehends his arrest in connection
with Complaint Case No.364 of 2017 registered under Section
406 of the Indian Penal Code besides Section 138 of the N.I.A.
Act.

The accusation is of dishonouring of the cheque of
Rs.1,73,000/- as issued by the petitioner in the name of the
opposite party no.2.

Learned counsel for the petitioner submits that, in



fact, the petitioner purchased the JCB Machine from the opposite party no.2 fixing the price of the same of Rs.12,00,000/-, out of which the petitioner paid Rs.8,15,000/- to the opposite party no.2 and the remaining amount of Rs.3,85,000/- is to be paid by the petitioner to the opposite party no.2, out of which the petitioner issued the cheque of Rs.1,73,000/- in the name of the opposite party no.2 but the same became dishonoured. The petitioner is ready to pay Rs.3,85,000/- to the opposite party no.2 within four months on handing over 'No Objection Certificate' by the opposite party no.2 to him after obtaining the same from the Finance Company from where the opposite party no.2 had taken the loan for the J.C.B. Machine. Out of Rs.3,85,000/-, the petitioner shall furnish the receipt of depositing Rs.1,73,000/- in favour of the opposite party no.2 at the time of furnishing the bail bonds.

On the other hand, learned counsel for the opposite party no.2 submits that he has no objection in allowing the prayer of the petitioner for pre-arrest bail if the petitioner is paid the remaining amount Rs.3,85,000/- within four months after receiving 'No Objection Certificate'.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his



arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-III, Dalsingsarai, Samastipur, in connection with Complaint Case No.364 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C., with further subject to the condition of submitting the receipt of deposit of Rs.,1,73,000/- in favour of the opposite party no.2.

It is made clear that if the petitioner fails to pay the remaining amount of Rs.2,12,000/- to the opposite party no.2 within four months, the trial court would be at liberty to cancel the bail bonds of the petitioner.

This application is, accordingly, disposed of.

(Rajendra Kumar Mishra, J)

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