

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29110 of 2019

Arising Out of PS. Case No.-1734 Year-2017 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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1. Munna Sah, Gender-Male, aged about 35 years, S/o- Late Akshay Lal Sah, Resident of Village- Surware ke Barari, P.S.- Dinara, District- Rohtas.
 2. Vishwamitra Sah, Gender-Male, aged about 40 years, S/o- Late Akshay Lal Sah, Resident of Village- Surware ke Barari, P.S.- Dinara, District- Rohtas.

... .. Petitioners

Versus

1. The State of Bihar
2. Munmun Sah @ Hakim Sah, S/o- Gorakh Sah Resident of Mohalla-Akta Nagar, Bihari Mill Annaith, P.S.- Ara Nawada, District- Bhojpur.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Shankar Kumar Thakur, Advocate
For the State	:	Mr. Kumar Ranjit Ranjan, APP
For the Informant	:	Mrs. Malti Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 24-07-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 406, 420, 504 and 506/34 of the Indian Penal Code registered in connection with Complaint Case No. 1734 (C) of 2017.

3. It is submitted that the petitioners have been falsely implicated on the accusation that the petitioner no. 1 had taken a total amount of Rs. 16,35,772/- for supply of paddy but neither paddy was supplied nor the amount refunded to the complainant by the petitioner no. 1. On the other hand, a cheque for Rs. 2,00,000/- was issued by the petitioner no. 1 but the same could not be encashed owing to stop payment instruction by the petitioner no. 1.



4. Learned counsel for the petitioners expresses readiness only on the part of the petitioner no.1 to deposit the amount of Rs. 2,00,000/- with the learned court below for the time being. The petitioner no. 2 is merely said to be a signatory and there is admission of liability by the petitioner no. 1. The petitioners claim clean antecedents.

5. Learned APP assisted by learned counsel for the complainant opposes the anticipatory bail petition.

6. Be that as it may, in the event of arrest or surrender of the petitioners before the court below within six weeks from the date of communication of this order, let petitioner no. 2 be released on bail and petitioner no. 1 on provisional bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate XI, Bhojpur (Ara), in connection with Complaint Case No. 1734(C) of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and with further conditions --

(i) That one of the bailors of each of petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That petitioner no. 1 shall make payment of Rs. 2,00,000/- by way of demand draft in favour of the complainant within a further period of two weeks after furnishing bail bond which shall be without prejudice to the rights of the parties in the trial.

5. The provisional bail granted to petitioner no. 1 shall be confirmed if petitioner no. 1 makes payment of Rs. 2,00,000/- as



aforesaid within the stipulated period to the complainant failing which his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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