

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41519 of 2019**

Arising Out of PS. Case No.-43 Year-2015 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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MANOJ KUMAR MISHRA, Son of Late Satya Narayan Mishra, Resident of Village-Muraitha, Police Station-Jale, District-Darbhangha. Prop. of H.B.I. Bricks Udhyog Muraitha District-Darbhangha.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Amritesh Kumar, Son of Sri Ramesh Kumar, Partner M/s Om Trading, Resident of Village-Manika, Police Station-Mushari, District-Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukund Mohan Jha
For the Opposite Party/s : Mr.Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 27-09-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of **Complaint Case No. 43 of 2015 (Trial No. 829 of 2017)**, disclosing the offence under Sections 406 and 418 of the Indian Penal Code.

The complainant-opposite party No. 2 is said to have supplied coal to the petitioner against which the petitioner had paid a sum of Rs.10,91,128/- against total value of supply of coal of Rs.18,41,128/-. It is alleged in the complaint petition that for rest of the amount, the petitioner had issued certain cheques to the complainant. It is apparent from the complaint petition itself that the said cheques were presented in the Bank after its validity had already expired.



Learned counsel appearing on behalf of the petitioner has submitted that no case punishable under Sections 406 and 415 of the Indian Penal Code can be said to be made out on the basis of what has been alleged in the complaint petition. According to him, a purely civil dispute is being given colour of a criminal case.

Considering the facts and circumstances of the case, this application is allowed. Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand), with two sureties of the like amount each to the satisfaction of **learned Sub Judge-6th cum ACJM-6th, Muzaffarpur, in connection with Complaint Case No. 43 of 2015 (Trial No. 829 of 2017)**, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail Bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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