

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35371 of 2019

Arising Out of PS. Case No.-2820 Year-2018 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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1. UMAKANT PRASAD Son of Late Yamuna Prasad Resident of Proprietor of Pratibha Printers and Stationary Industrial Area, P.S.-Industrial Area, District-Vaishali.
 2. Pratibha Prasad W/o Umakant Prasad Resident of Proprietor of Pratibha Printers and Stationary Industrial Area, P.S.-Industrial Area, District-Vaishali.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rakesh Kumar Son of Late Ram Paras Singh Director Paras Publication Private Ltd. Industrial Area P.S. Industrial Area, District-Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 17-08-2019 Petitioners seek bail in anticipation of their arrest in connection with Complaint Case No. 2820 of 2018 instituted for the offences punishable under Sections 420 and 406 of the Indian Penal Code.

Prosecution story is that petitioners got books printed from the press of the complainant of Rs.58,15,000/-, out of which they have deposited Rs.41,60,000/- through RTGS and for rest of the amount a cheque has been given which was dishonoured and thereafter on notice the amount has not been deposited.

Submission of learned counsel for the petitioners is that after the same they have given Rs.5,40,000/- through RTGS, which



will appear from Annexure-2 series at page 16 of the brief and for rest of the amount a machine of the petitioners is kept by the complainant and as such the same can be compensated with the machine. However, he has admitted that he has not lodged any complaint with respect to the machine kept by the complainant.

Heard learned APP and learned counsel for opposite party No.2, who has opposed the prayer for anticipatory bail on the ground, had the story of machine being kept by the complainant, petitioner would not have issued cheque for Rs.17 lacs to the complainant.

In view of above facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioners. However, if they surrender and ready to pay the rest of the amount even on instalment, learned court below shall consider the same while passing order on bail petition of the petitioners.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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