

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50576 of 2019

In
CRIMINAL MISCELLANEOUS No.71787 of 2018

Arising Out of PS. Case No.-361 Year-2018 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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YADUPATI SINGH S/o Late Harbansh Singh R/o Mohalla- Hari Ji Ka Hata,
P.S.- Ara Nawada, District- Bhojpur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Manoj Kumar Singh S/o Banaras Singh R/o 202 Classic Homes Apartment,
Ara Garden Road, Bailey Road, Patna, P.S.- Rupaspur, District- Patna
Currently residing at Mohalla Maulabagh, P.S.- Ara Nawada, District-
Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 16-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The present application has been filed for
modification of the order dated 07.02.2019 in Criminal
Miscellaneous No. 71787 of 2018 whereby the petitioner was
granted provisional anticipatory bail for six months in
connection with a case registered for the offence punishable
under Section 420 of the I.P.C. and Section 138 of the N.I. Act.



The prosecution case as per the complainant is that for running a cold storage business altogether Rs.34,25,000/- were given to the petitioner by the complainant. Consequently, on 09.03.2015 an agreement was entered into between the petitioner and the complainant. As per the terms of the said agreement, the petitioner was supposed to return the total loan amount along with profit by December, 2015. Subsequently, the assurance was given that agreed amount will be returned in June/July, 2016, but it was not returned to the complainant. Thereafter, the petitioner conveyed the complainant to encash the five cheques given to him earlier as security, whereupon, the complainant deposited all the five cheques in his bank account, which got dishonoured due to insufficient balance in the account of the account holder, i.e., the petitioner. It is further alleged that subsequently, the petitioner issued two other cheques in favour of the complainant, which were deposited by the informant in his bank account for its encashment, but that too got dishonored. Ultimately, the complainant issued legal notice to the petitioner, but in spite of that the petitioner did not return the loan amount along with agreed profit taken from the complainant as per the terms of the agreement.

It is submitted by learned counsel for the petitioner that out



of total amount of Rs.22,49,000/-, Rs. 12,40,000/- has already been returned to the complainant, but due to precarious financial condition of the petitioner, remaining amount to the tune of Rs.10,09000/- could not be returned to the complainant. However, the petitioner prays for three months' further time for making payment of remaining amount of Rs. 10,09000/-.

It is submitted by learned counsel for the complainant that though the complainant is not opposing the prayer of the petitioner with regard to extension of time for three months for making payment of remaining amount of Rs.10,09000/-, but he is apprehensive whether the petitioner will comply the order of this Court or not.

In the circumstances, considering the joint stand of the parties, let the order dated 07.02.2019, passed in Criminal Miscellaneous No. 71787 of 2018 in connection with Complaint Case No.361 C of 2018 of 2018, pending before the learned CJM, Bhojpur at Ara, is modified to the extent that let the period of provisional bail granted to the petitioner in connection with Complaint Case No. 361 C of 2018, pending before the learned CJM, Bhojpur at Ara is extended till 14th of January, 2020.

The provisional bail of the petitioner will be confirmed by the learned Court below on showing substantial proof by the



petitioner with regard to deposit of remaining amount of
Rs.10,09000/-.

Accordingly, the modification application stands disposed
of.

(Dinesh Kumar Singh, J)

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