

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55616 of 2019

Arising Out of PS. Case No.-312 Year-2016 Thana- COMPLAINT CASE District- Sheohar

1. Vishal Kumar @ Vishal raj @ Golu, aged about 38 years, male, Son of Late Bablu Singh @ Late Arun Kumar Mishra, Resident of Village - Siho, Baghragari, P.S.- Sakra, Dist.- Muzaffarpur at present Tirupati market, Electric Park, Near Chhata Chowk, Sahajanand Sahay Road, P.S.- Kaji Mohammadpur, Dist.- Muzaffarpur.
2. Minu Devi @ Minu Mishra, aged about 60 years, female, W/o Late Bablu Singh @ Late Arun Kumar Mishra, Resident of Village - Siho, Baghragari, P.S.- Sakra, Dist.- Muzaffarpur at Present Tirupati market, Electric Park, Near Chhata Chowk, Sahajanand Sahay Road, P.S.- Kaji Mohammadpur, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kundan Kumar, male, Son of Vinod Prasad, Resident of Village - Sheohar, Ward No.8, P.S.- and Dist.- Sheohar (Proprietor Surbhi Electronics, P.S.- and Dist.- Sheohar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.
For the Opposite Party/s : Mr. Amitesh Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-09-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 312 of 2016 registered under sections 406, 420 of IPC and under Section 138 of N.I. Act

The allegation against the petitioners, is that the complainant is a shop-keeper and run the shop namely “Surbhi Electronics”, from where the complainant use to purchase electronic parts. It has further been alleged that the complainant purchased electronic parts from the shop of petitioners and the



complainant gave a total sum of Rs. 7,28,700/- and the petitioners failed to supply the electronic items to the complainant despite having received the entire amount. It has also been alleged that out of Rs. 7,28,700/-, the electronic items of Rs. 4,07,820/- have been supplied by the petitioners to the complainant and lastly the complainant received two cheques of Rs. 1,85,000/- and Rs. 1,85,000/- by the petitioner no. 2, and the same got dishonoured.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in this case and from perusal of the complaint, it appears that prima facie, a case under Section 138 NI Act is made out against the petitioners. Learned counsel further submits that however, without prejudice to the right and contention of the petitioners, petitioners are ready to pay a sum of Rs. 3 lakhs to the complainant within a period of two months, subject to final outcome of the case.

Learned counsel appearing for the O.P. No. 2 accepted the offer made by the petitioners on instruction, subject to right and contention of the complainant.

After having heard learned counsel for the parties and taking into consideration the fact that the petitioners are ready to pay a sum of Rs. 3 lakhs to the complainant, accordingly, let the petitioners be released on anticipatory bail on the condition that he will pay a sum of Rs. 3 lakhs to the complainant within two



months and a sum of Rs. 1 lakh shall be paid on or before 15.09.2019 positively and the rest amount of Rs. 2 lakhs shall be paid within 1 and ½ month thereafter to the complainant by way of bank draft.

Accordingly, the petitioners, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Sheohar in connection with Complaint Case No. 312 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

It is made clear that at the time of surrender the petitioners will attach the proof of making payment of Rs. 1 lakh to the complainant by way of bank draft. It is also made clear that in case, the petitioners default in making payment of the rest amount, the complainant will have liberty to move an appropriate application in accordance with law.

(Anil Kumar Sinha, J)

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