

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51764 of 2018

Arising Out of PS. Case No.-571 Year-2010 Thana- PATNA COMPLAINT CASE District-
Patna

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Praveen Dixit @ Praveen Kumar Dixit S/o Jai Bahadur Rai, R/o Mohalla-
Mitra Colony, P.S.- Bxuar (Town), District- Buxar, At present Vill.- Cilahar,
P.S.- Itarhi, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Anuradha Sharma W/o Sanjay Kumar , R/o Mohalla- Kela Mandi near Sulabh
Shauchalaya, Bazar Samiti, P.S.- Bahadurpur, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Singh
For the Opposite Party/s : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 03-01-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 420,323 and 504 of the IPC.

The prosecution case as per the complaint petition is that the petitioner and the complainant Anuradha Sharma were known to each other from before and were on visiting terms. The petitioner and co-accused conveyed to the complainant that he has taken the agency of Jogi Tea at Buxar and proposed to be associated as a partner in the said business. It is alleged that the petitioner took a cheque of Rs.76,000/- from the complainant for supply of tea at Patna but subsequently, the tea was not



supplied. The petitioner gave two cheques of Rs.21,000/- and Rs.15,000/- but the cheques got dishonoured. Hence, neither the tea was supplied nor the money was returned to complainant.

It is submitted by learned counsel for the petitioner that the learned court below has not found prima facie case under Section 138 of the N.I. Act and the accusation has arisen absolutely out of contractual nature of relationship between the complainant and the petitioner.

Learned APP submits that after finding prima facie case, the order of cognizance has been passed.

It appears that this Court vide order dated 8.10.2018 issued notice to the complainant. The office note dated 14.12.2018 suggests that the notices issued to O.P. No. 2 has been received by her husband and the same has been treated as validly served vide order dated 17.12.2018. However, none appears on behalf of O.P. No. 2.

Considering the accusation arising out of contractual nature of relationship between the parties, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM, Patna in connection



with Complaint Case No.571C of 2010 subject to the
conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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