

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76119 of 2019**

Arising Out of PS. Case No.-258 Year-2018 Thana- PARSABAZAR District- Patna

NIRMAL PRASAD NAYAK @ NIRMAL NAYAK Son of Nand Lal Nayak
Resident of Village - Khatal patti, Gulabbag, P.S.- Sadar, Distt.- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Adv & Mr.Dr. Bidhu Ranjan,
Adv
For the Opposite Party/s : Mr.Yogendra Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 26-11-2019 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Sections 406 and 420 of the Indian Penal Code and Section 138 of the NI Act.

Informant who is the owner of rice mill has alleged in his written complaint that from proprietor of M/s Maa Laxmi Enterprises, petitioner purchased Paddy loaded on 11 trucks valuing Rs. 34,13,307/- for which on different dates Rs. 10 Lacs was paid by cheque and Rs. 19, 13, 307/- remains to be paid. On 30.08.2017 wife of petitioner Sulekha Naik issued a cheque of Rs. 10 Lacs which was dishonoured.

It has been submitted on behalf of the petitioner that the dispute and liability is of civil in nature and no criminal



offence is made out. There is business transaction between the informant and petitioner. Petitioner has got no criminal antecedent and is in custody since 29.08.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Parsa Bazar P.S. Case No. 258 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

ranjan/-

U			
---	--	--	--

