

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15329 of 2020

Arising Out of PS. Case No.-267 Year-2015 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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NARAYAN PRASAD JAISWAL Son of Late Fekan Bhagat Resident of
Avinash Beej Bhandar at Teldiha, P.S.- Tikapatti, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Musowir, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 10-09-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in C.A. Case No.267 of 2015 registered under Sections 406 and 420 of the Indian Penal Code and Section 138 of N.I. Act.

The complainant alleged that he sells maize seeds and runs business in the name of M/s Tirupati Enterprises. The petitioner purchased maize seeds and Rs.6,27,070/- was lying due till 07.09.2013. On request, the petitioner is said to have issued the cheque of Rs.5 lacs in favour of M/S Tirupati Enterprises on 18.10.2013 but the cheque was dishonoured.

The learned counsel for the petitioner submits that petitioner has given a cheque to the complainant for security. No amount is lying due. Some dispute arose between the petitioner and the complainant and thereafter the complainant after filling the cheque placed the same without any knowledge of the petitioner. The dispute arose in the business transaction.

Learned A.P.P. opposed the prayer for anticipatory bail.



It appears from perusal of the complaint petition itself that the petitioner and the complainant were on business term. The petitioner purchased maize seeds from the firm of the complainant. The complainant claimed that Rs.6 lacs and odd is lying due against the petitioner but the petitioner denied the liability.

Taking into consideration the facts aforesaid and nature of allegation made against the petitioner and the fact that dispute is of civil nature, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Katihar, District-Katihar in connection with C.A. Case No.267 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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