

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43248 of 2019

Arising Out of PS. Case No.-378 Year-2018 Thana- PHULWARISHARIF District- Patna

HIRA PRASAD Son of Late Saguni Singh Resident of Village - Sariya, P.S.-
janipur, Phulwari Sharif, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kalyan Shankar

For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

8 26-02-2020 The petitioner seeks regular bail in connection with
Phulwari P.S. Case No. 378 of 2018, registered for offences
punishable under Sections 420 and 406 of the Indian Penal Code
and Section 138 of the N.I. Act.

Prosecution case is that petitioner has taken eight
Chakki (flour) mills from the informant and he has made
payment of four chakki flour mills and for rest of the payment,
he has given four undated cheques, which on production were
dishonored by the Bank as the petitioner has stopped payment
on those cheques. Allegation further shows that he has issued
cheques to the Director of the company for Rs. Fourt Lakhs but
the same was also dishonored.

It has been submitted on behalf of the petitioner that
the cheques in question were given to the informant as security,



which were fraudulently presented before the bank and due to which, he stopped payment on those cheques and he has already made the total payment of Rs. 62,19,000/- towards purchase of machinery and as per audit report Rs. Twenty Lakh of the petitioner was found due with the informant for that he has filed a supplementary affidavit annexing the audit report. Moreover, it is a money dispute, which is civil in nature and for that the petitioner has been languishing in judicial custody.

On the other hand, learned counsel for the informant has filed counter affidavit stating that audit report is with respect to the financial year 2015-16, whereas, the preset dispute is with respect to the transaction made in the financial year 2017-18 and as such plea taken by the petitioner is false and he has clear intention to swallow the money of informant.

Having heard both sides, considering the fact that it is a dispute between the parties with respect to money transaction relating to any agreement between the parties, as such, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -XV, Patna, in connection with Phulwari P.S. Case No. 378 of 2018, subject to the



condition that petitioner will cooperate in disposal of trial and make himself available as and when required by the court below, failing which, the prosecution shall move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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