

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20657 of 2021

Arising Out of PS. Case No.-415 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

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SANTOSH PRASAD @ SANTOSH KUMAR S/o Late Vishwanath Rai
Resident of Village - Bathuahiya, P.S. - Darpa, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ritu Raj W/o Ramesh Kumar Yadav1 Resident of Nauragiya, P.S. -
Lakhaura, Motihari.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate Mr. Nikhil Singh, Advocate Mr. Shriram Singh, Advocate
For the State	:	Mr. Anzarul Haque Sahara, APP
For the Informant	:	Mr. Mrigendra Kumar, Advocate Mr. Anshudhar Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 07-10-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in connection with a case registered under sections 420, 467, 468 and 471 of the Indian Penal Code and section 138 of the Negotiable Instrument Act.

As per the prosecution case, a cheque for Rs. 45.5 lacs issued by the petitioner in favour of the informant was dishonored leading to the informant sending a legal notice and thereafter filing a complaint case which was referred and the instant FIR was registered.



It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. There was business dealings between the petitioner and the informant which is not in dispute and it was on account thereof that the cheque had been given. Some of the transactions between the parties have been given/narrated in detail in the chart in paragraph no. 10 of the petition. It is submitted that the case is purely one of accounting dispute. Against the maximum sentence of two years the petitioner has remained in custody for more than 10 months since 9.11.2020. Charge sheet has been submitted in the case

The application for bail is opposed by learned counsel for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the facts not in dispute are that the cheque for Rs. 45.5 lacs issued by the petitioner in favour of the informant was dishonored and in view of section 139 of the NI Act, the presumption is in favour of the holder. As such it is submitted that at least a direction be given for payment of interim compensation under section 143A of the NI Act.

Having heard learned counsel for the parties and taking into consideration the submissions made together with



the petitioner having remained in custody for more than 10 months, the Court directs the petitioner to be enlarged on bail in connection with Mufassil (Lakhaura) P.S. Case no. 415 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, District East Champaran.

So far as the interim compensation under section 143A of the NI Act is concerned, it will always be open to the informant to make a prayer for the same at the appropriate stage in accordance with law.

(Partha Sarthy, J)

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