

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24898 of 2021**

Arising Out of PS. Case No.-18 Year-2017 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

=====

Rabindra Rai @ Ravindra Ray Son of Subhash Rai Resident of Village -
Kaoti, P.S.- Udakishunganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Madhav Jha

For the Opposite Party/s : Mr.Navin Kumar Pandey

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3. 06-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Complaint Case No. 18 of 2017, punishable for the offence under Section 420 of the Indian Penal Code.

As per the prosecution case, the petitioner, who is proprietor of the Govind Rice Mill, had taken 2056 quintals paddy from the PACS, Budhma in the year 2015 for sale. As per agreement, the petitioner had to pay the total cost of paddy by January, 2016 to the tune of Rs. 27,96,160/-, but the petitioner did not pay entire amount in time and on repeated demand, petitioner paid only Rs. 10,061,60/- to the complainant and did not pay the rest amount. It is further alleged in the complaint petition that when a *panchayati* was held, the petitioner gave a



cheque of Rs. ten lacs to the complainant, but the same was bounced due to insufficient fund in the account of petitioner.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case only with a view to extract money from him. Petitioner has already paid the money. It is further submitted that it is purely a case of civil nature arising out of financial transaction. Moreover, the complaint petition has been filed after a lapse of one year and eight months. The alleged offence is triable by the Magistrate. Petitioner is in custody since 07.09.2020.

Learned A.P.P. for the State has opposed the bail petition.

Considering the nature of allegation and period of custody, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned A.C.J.M., Udakishanganj, District - Madhepura in connection with Complaint Case No. 18 of 2017, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his



bail-bond shall be cancelled by the court below.

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

(Prabhat Kumar Singh, J.)

anay

U		T	
---	--	---	--

