

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32700 of 2020

Arising Out of PS. Case No.-2901 Year-2018 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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RAJESH KUMAR BHAGAT (Male), aged about 33 years, son of Ramdeo Prasad, Resident of Larualai, P.O. Businupura Bazar, P.S.- Sudhawalia, District- Gopalganj, present address- Shiv Food Industries, Plot No. V-4, Industrial Estate, M.I.C., Police Station- Bela, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Santosh Kumar, aged about 35 years, Son of Awadhesh Thakur, Resident of Mohalla- Om Colony Govindpur Bibiganj, P.S.- Sadar, District- Muzaffarpur.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Ajay Prasad, Advocate.
For the State : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-02-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsels for the petitioner, opposite party no. 2 and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 420 of the I.P.C. and 138 of N.I. Act.

The prosecution story, in brief, is that the petitioner and other co-accused named in the complaint petition were acquainted with the complainant Santosh Kumar and they



influenced the complainant to become distributor of their products 'Shiv Food Industries' which is situated at Bela, Muzaffarpur. The complainant gave Rs. 2,00,000/- as surety money and purchased mustard oil and tea worth Rs. 3,00,000/-. The mustard oil was found to be adulterated. The complainant returned the purchased mustard oil to them and broke the business term and asked them to return his money. Rajesh Kumar Bhagat (petitioner) gave a cheque of Rs. 2,00,000/- to the complainant which on presenting in Bank become dishonour. The complainant sent them legal notice but they did not pay any heed and ultimately lodged the above case.

A joint compromise petition has been filed on behalf of the petitioner and the complainant. The same may be kept on the record.

In pursuance to said joint compromise petition, settlement has been made between the parties and a Bank Draft bearing Bank Draft Sl. No. 25965 dated 18.02.2021 issued by Axis Bank, Muzaffarpur Branch, amounting to Rs. 2,00,000/- handed over by learned counsel for the petitioner to learned counsel for the opposite party no. 2.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, in the event of arrest or



surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate at Muzaffarpur, in connection with Complaint Case No. 2901/2018, corresponding to Trial No. 2061/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Further, since the matter has already been settled between the parties and the offences are compoundable, once a copy of the compromise petition of the parties will be produced before the learned court below, the learned court below shall take steps on compromise petition entered between the parties and pass an appropriate order in accordance with law.

(Sudhir Singh, J)

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