

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7144 of 2021

Arising Out of PS. Case No.-2336 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Bulet Prasad Son Of Late Baldeo Prasad R/O Village- Amwa, P.O. And P.S.-
Paharpur, Dist.- East Champaran, At Present Vill.- Areraj, Ward No. 03, Near
South Of Om Shanti Girls School, P.O. And P.S.- Govindganj (ARERAJ),
Dist.- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Gobardhan Patel Son Of Late Hawaldar Patel R/O Village- Bhanja Bankati,
P.O. And P.S.- Paharpur, Dist.- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar
For the Opposite Party/s : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-12-2021 Heard learned counsel for the petitioner and

learned APP for the State.

Learned counsel for the petitioner is expected

to honour his undertaking given in the instant case for

depositing the requisite court fee and to remove the

defects as pointed out by the office when called upon to

do so by the office.

The petitioner is apprehending his arrest in a

case registered for the offences punishable under

Sections 406, 420 of the Indian Penal Code.



The prosecution case as per F.I.R is that the complainant gave Rs. 6,00,000/- through cheque on 23.09.2013 to the petitioner for purchase of Bolero vehicle but neither vehicle has been delivered nor money has been returned. A punchayati thereafter was held in which the petitioner returned Rs. 3,17,000/- and agreed to return rest of the amounts in installments but the same has not been returned till date.

It is submitted by learned counsel for the petitioner that the petitioner has already deposited rest amount of Rs. 2,83,000/- to the informant by cash on his residence. Moreover, for the cause of action arose in the year, 2013, the present complaint has been filed in the year 2019. It is further submitted that for a civil nature of dispute, the petitioner cannot be prosecuted in a criminal proceeding. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Considering the aforestated facts, let the



petitioner, above named, in the event of his arrest or
surrender before the Court below within a period of four
weeks from today, be released on anticipatory bail on
furnishing bail bonds of Rs. 10,000/-(Ten Thousands)
with two sureties of the like amount each to the
satisfaction of learned Judicial Magistrate, 1st Class,
Motihari, East Champaran in connection with Complaint
Case No. 2336 of 2019, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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