

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17061 of 2021

Arising Out of PS. Case No.-2340 Year-2019 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Shailendra Kumar @ Shailendra Kumar Sinha S/O Krishna Deo Narayan
Resident Of Village Adarsh Nagar, New Sheo Mandir Ward No 08 Police
Station Mufassil, District Begusarai

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Nikhil Raj S/O Gauri Shankar R/O Pratibha Complex, V-2 Mall,
Mungeriganj, P.S-Town, District-Begusarai.

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 1495 of 2022

Arising Out of PS. Case No.-2340 Year-2019 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Kumar Prashant S/O Shailendra Kumar @ Shailendra Kumar Sinha R/O
Village- Adarsh Nagar, New Sheo Mandir, Ward No. 08, P.S.- Mufassil,
District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nikhil Raj S/o Gauri Shankar Resident of Pratibha Complex, V-2 Mall,
Mungeriganj, P.S.- Town, District- Begusarai

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 17061 of 2021)

For the Petitioner/s : Mr.Sanjeet Kumar

For the Opposite Party/s : Mr.A.G.

(In CRIMINAL MISCELLANEOUS No. 1495 of 2022)

For the Petitioner/s : Mr.Sanjeet Kumar

For the Opposite Party/s : Mr.Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

13 29-11-2022 Heard learned counsel for the petitioners, learned

counsel for the complainant and learned APP for the State.



The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 420, 467, 468, 469, 471, 120(B) of the Indian Penal Code.

The prosecution case in nutshell is that accused Prashant Kumar, Director of Indigenous Industries Pvt. Ltd. and Shailendra Kumar @ Shailendra Kumar Sinha have insisted the complainant to invest money in their company and confirmed that they will appoint the complainant as C.N.F of the company. The complainant, thereafter issued a cheque of Rs. 11,00,000/- (Eleven Lakhs) to the petitioners and an agreement was prepared. Thereafter the complainant booked a hall for the purpose of business on rent. It is alleged that in spite of several requests the petitioners did not supply any food products to the complainant. The complainant sent a legal notice to the petitioners but they did not reply.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and they have falsely been implicated in the present case. It is also submitted that after starting of the business with the complainant, the complainant purchased goods worth Rs. 17,50,000/- from the company of petitioner No. 1, for which the complainant did not make any payment and for this a case has been registered against the



complainant by the petitioners. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Learned counsel for the petitioners, however agree to pay Rs. 5,00,000/-(Five Lakhs) as an interim amount to the complainant. The petitioners agree to pay Rs. 2,00,000/-(Two Lakhs) by way of Demand Draft in favor of the complainant. The petitioner further agree to pay rest of Rs. 3,00,000/-(Three Lakhs) to the complainant in three equal installments within a period of three months after filing of the Bail Bonds.

Learned counsel appearing on behalf of the complainant has accepted the offer of the petitioners.

The petitioners are directed to pay Rs. 5,00,000/-(Five Lakhs) as an interim measure to the complainant. Petitioners will pay Rs. 2,00,000/-(Two Lakhs) before filing the bail bonds and remaining Rs. 3,00,000/-(Three Lakhs) will be paid in three equal consecutive installments within a period of 3 months.

In the facts and circumstance of the case, let the petitioners, above named, in the event of their 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) each with two sureties of



the like amount each to the satisfaction of learned Chief Judicial Magistrate, 1st Class, Begusarai in connection with Complaint case No. 2340 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond will be accepted by the learned Court below on showing receipt of the Demand Draft of Rs. 2,00,000/- (Two Lakhs) by the petitioners in favor of the complainant.

The complainant will be at liberty to file appropriate application for cancellation of Bail Bonds of the petitioners, if the petitioners fail to pay rest of the amount of Rs. 3,00,000/- (Three Lakhs) to the complainant.

The aforesaid payment will be subject to the final adjudication of the case.

(Sunil Kumar Panwar, J)

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