

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72543 of 2021

Arising Out of Complaint Case No.-80 Year-2019 Court of SDJM, Raxaul at Motihari District- East
Champaran

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Harendra Kumar, S/o Vasant Yadav, R/o Village- Bimawan, P.S.- Jagdishpur,
District- Bhojpur (Ara), Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 15-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioner is apprehending his arrest in Complaint
Case No. 80 (C) of 2019 registered for the offences punishable
under Section 420 of the Indian Penal Code and Section 138 of
the Negotiable Instrument Act.

Allegation against the petitioner is that he did not
clear the dues amount of Rs. 3,35,553/- to the complainant, who
supplied poultry farm goods to the petitioner.

Learned counsel for the petitioner submits that



learned court of Sessions Judge, East Champaran, Motihari had earlier granted anticipatory bail to the petitioner vide order dated 18.03.2020 on the condition that at the time of surrender the petitioner will pay Rs. 1,35,553/- to the complainant and he will pay rest amount of Rs. 2,00,000/- to the complainant in two equal monthly installments. However, due to Covid-19 pandemic, the petitioner was not able to surrender before the learned court below and due to pandemic his business got badly affected and the petition for extension of time period for surrender has been dismissed by learned court below. Now, learned counsel for the petitioner submits that petitioner is ready to make payment of Rs. 3,35,553/- to the complainant. The petitioner has no criminal antecedent.

Learned A.P.P. for the State has not opposed the prayer of anticipatory bail application of the petitioner and submits that petitioner may be directed to make the payment of the aforesaid amount to the complainant before the learned lower court below.

Having heard learned counsel for the parties and considering the fact that petitioner is ready to make payment of Rs. 3,35,553/- to the complainant and he has no criminal antecedent, as such, I am inclined to grant anticipatory bail to



the petitioner. Let the petitioner, above named, in the event of his arrest/surrender before the learned court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to 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 Judicial Magistrate, 1st Class, Motihari in connection with Complaint Case No. 80(C) of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further condition that the petitioner shall pay Rs. 3,35,553/- to the complainant through bank draft in the name of complainant at the time of furnishing bail bond before the learned court below.

(Sunil Dutta Mishra, J)

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