

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57274 of 2023**

Arising Out of PS. Case No.-747 Year-2021 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md. Salim S/o Safeed Miyan R/o Village- Dumar, P.S. Falka, Dist. Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Santosh Kumar S/o Late Gayanath Mandal R/o Village- Milki Nawabganj, P.O. Balthi Maheshpur, P.S. Kursela, Dist. Katihar The Proprietor of Maa Bhagwati Traders At Saraswati Sadan NH-31, P.O. And P.S. Kursela, Dist. Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Akanksha Varma, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 30-08-2023 Heard Mr. Akanksha Varma, learned counsel appearing on behalf of the petitioner and Mr. Parmanand Kumar, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 747 of 2021 registered under Section 420 IPC and 138 of Negotiable Instruments Act, 1881.

3. As per the allegation made in the complaint, the petitioner in lieu of proceeds of price of the grains had handed over a cheque of of Rs. 15,91,957/- to the complainant but the



cheque was dishonoured by the State Bank of India due to insufficient fund.

4. Learned counsel appearing on behalf of the petitioner submits that the nature of allegation made in the complaint is that the petitioner has not handed over the remaining amount of Rs. 15,91,957/- for which the petitioner had issued a cheque to the complainant, however, due to insufficient fund, the cheque got bounced. Learned counsel further submits that the petitioner is ready to pay back the entire amount in seven equal installments in seven months.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the nature of allegation and willingness of the petitioner that he is ready to return back the entire amount of Rs. 15,91,957/- in seven equal installments or less than that, petitioner is directed to be released on provisional bail with a condition that the petitioner is required to deposit the entire amount in seven months as per his convenience.

7. In case, the petitioner don't return back the entire amount as claimed by the complainant in seven months, then in that case, this order will automatically loose its force.

8. In case, petitioner abides by the condition imposed



by this Court, the provisional bail granted to the petitioner shall be made absolute on such terms and conditions as the court below deems fit and proper and subject to the condition as laid down under Section 438(2) of the Cr.P.C. .

(Purnendu Singh, J)

Mantreshwar/-
Minu/-

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