

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17136 of 2016

Arising Out of PS. Case No.-2722 Year-2014 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Shiv Ratan Das, S/o Late Munilal Das, resident of village- Rasulpur Saiyed
Wazid, Medical Campus, Umanagar, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lal Kishore Singh, S/o Late Virendra Singh, resident of village- Shekhpur,
Akharaghat, P.S.- Ahiyapur, District- Muzaffarpur

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Adv.
For the Opposite Party/s : Mr. Ram Chandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

4 13-09-2023 Heard Mr. Sanjay Kumar @ S.K., learned counsel

appearing on behalf of the petitioner and Mr. Ram Chandra

Sahni, learned counsel appearing on behalf of the State.

2. This application is filed for quashing of the order of
cognizance dated 13.03.2015, passed in Trial No. 1916 of 2015,
arising out of Complaint Case No. 2722 of 2014, by the learned
C.J.M., Muzaffarpur for the offence under Section 138 of the
N.I. Act and 420 of the Indian Penal Code.

3. The allegation against the petitioner, as per the
complaint, is that he had issued a Cheque for an amount of Rs.
11,00,000/- in favour of complainant. The same got dishonoured
due to insufficient fund. The act was committed on 18.06.2014



by the petitioner.

4. Learned counsel appearing on behalf of the petitioner submits that from bare perusal of the complaint, it would appear that no case is made out against the petitioner. The agreement was between the son of the petitioner and the complainant and the money which has not been returned to the complainant, his son is responsible, in terms of agreement entered into for sale of piece of land, appertaining to Khata No. 263, Khesra No 216, situated in Village- Kolhua Paigamberpur.

5. Learned counsel further submits that the petitioner is ready to return back the agreed amount to get rid off the present criminal case pending against him.

6. Considering the nature of allegation made against the petitioner as well as the fact that the matter was referred to the National Lok Adalat vide order dated 28.01.2017 and date was fixed on 04.02.2017, but the parties did not appear. This Court finds it proper that the petitioner may approach the learned Trial Court for compromise with the complainant on any agreed terms and conditions. The petitioner is directed to surrender before the learned C.J.M., Muzaffarpur and seek bail.

7. In case, petitioner is not on bail in that case the learned C.J.M., Muzaffarpur is directed to grant provisional bail



to the above named petitioner on the same day on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each in connection with Trial No. 1916 of 2015, arising out of Complaint Case No. 2722 of 2014, subject to the condition that petitioner in terms of his undertaking will compromise with the complainant on agreed terms and conditions, considering his willingness to return back the amount of Rs. 11,00,000/-.

8. For exercising the above liberty granted by this Court, the petitioner is directed to surrender before the learned Trial Court not beyond a period of two weeks from the date of passing of this order.

9. In case of failure, the interim protection granted granted by this Court shall loose its force on such term and condition.

(Purnendu Singh, J)

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