

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74244 of 2022

Arising Out of PS. Case No.-33 Year-2019 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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NARESH MANDAL S/o Sri Gujar Mandal R/o village- Hathi Pahari, P.S.-
Mihijam, Distt- Jamtara (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rdhe Prasad Sao @ Radhe Prasad S/o Darogi Sao R/o Chandni Chowk
Sheikhpura, P.S. and Distt- Sheikhpura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar
For the Opposite Party/s : Mr. Mukesh Kumar Singh
Mr. Satish Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-09-2023 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 420 of the Indian
Penal Code and Section 138 of the N.I. Act.

3. The prosecution case, in brief, is that an agreement was
executed between the petitioner and opposite party no.2 to sell
a crusher for amounting to Rs.8.14 lacs and part amount of
Rs.2.80 lacs was handed over by the petitioner to the opposite
party no.2 in cash and for rest amount of Rs.5.34 lacs, he had
given a cheque to opposite party no.2 which got dishonoured
due to insufficient fund. Hence, the present case was lodged by
the opposite party no.2.



4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. It is further submitted that the opposite party no.2 did not hand over ownership of the said crusher to the petitioner. Learned counsel for the petitioner further submitted petitioner is ready to pay Rs.5.34 lacs to opposite party no.2 but some time may be granted to him. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State assisted by learned counsel for the opposite party no.2 opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case and the statement made by learned counsel for the petitioner at the Bar, let the above named petitioner, be released on **provisional bail** for a period of eight months, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No. 33C of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



7. The learned court below is directed to confirm the provisional bail of the petitioner after satisfying that petitioner has paid Rs.5.34 lakhs to the opposite party no.2 within a period of eight months from the date of receipt/production of a copy of this order.

(Anjani Kumar Sharan, J)

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