

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9505 of 2024

Arising Out of PS. Case No.-374 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Vishal Kumar, Son Of Late Rajan Soni R/O-New Colony Panchuchak Ara
Machine, Devasthan Kee Gali, P.S.-DANAPUR, Distt.-PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar Jaiswal, Son Of Shri Krishna Prasad Jaiswal R/O-Sadar
Bazar, Kalisthan Danapur, Near P.S., P.S.-DANAPUR, Distt.-PATNA
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha, Adv.
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Complaint Case No. 374(C) of 2023, lodged under Sections 406
of the Indian Penal Code read with section 138 of N.I. Act.

3. The present application has been filed for grant of
regular bail to the petitioner in Complaint Case No. 374(C) of
2023 in which Court has taken cognizance under section 406 of
the Indian Penal Code and section 138 of N.I. Act pending
before the Court of Miss. Priya Kumari, Judicial Magistrate 1st
Class, Danapur.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel



also submits that the petitioner was working in the complainant's company as salesman and his duty was to collect the money from the market and deposit to the complainant. Counsel further submits that with a view to keep the security, the blank cheque has been filled up at the instance of complainant. Due to certain disputes with the owner of Maa Laxmi Enterprises (the present complainant), the petitioner has resigned from the company but with a view to teach him a lesson, the cheque which was kept with the complainant as security has been placed by him by filing up in his own handwriting and when it was bounced back, then a criminal case has been filed.

5. Learned counsel for the petitioner submits that when the petitioner got information in this regard, he also filed another complaint *vide* Complaint Case No. 1529(C) of 2023 against the complainant in which till date cognizance has not been taken. In the said case, he has disclosed each and everything which is Annexure-P/2. Counsel further submits that the breach of trust has not been committed by the petitioner, rather, it was committed by the complainant. Counsel also submits that the antecedent of the petitioner is clean and he is in custody since 04.11.2023.



6. Learned APP for the State submits that the petitioner may be granted provisional bail.

7. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named, be granted provisional bail**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Danapur in connection with Complaint Case No. 374(C) of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

8. The Trial Court is directed to held the mediation either himself or before the competent mediator and both the parties shall direct to appear before the mediator and settle the case within 90 days from the date of petitioner's release. In case, no settlement takes place within 90 days then in that case, the Trial Court shall cancel the provisional bail of the petitioner.

(Dr. Anshuman, J.)

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