

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54421 of 2022

Arising Out of PS. Case No.-1774 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Pramod Kumar Son of Late Nagendra Sah Resident of Mohalla - Krishna Toli
Brij Bihari Gali, P.S.- Brahampura, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Pramod Kumar Asthana Son of Late Garv Gauri Prasad @ Gauri Shankar Prasad Resident of Mohalla - Chitrakut Nagar, Road No.- 03, Bibiganj, P.S.- Sadar, District - Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Adv.
For the O.P.	:	Mr. Arun Kumar Pandey, APP
For the Informant	:	Mr. Dinesh Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

20 20-11-2024 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant.

2. The petitioner seeks bail in connection with
Complaint Case No. 1774 of 2018 (Tr. No. 2617 of 2022) in
which cognizance was taken for the offences under Section 420
of the Indian Penal Code and Section 138 of the Negotiable
Instrument Act.

3. As per prosecution case, the accusation against the
petitioner is of cheating the Complainant by issuing a cheque of
Rs. 21,15,000/- without having sufficient fund in his Account.

4. The petitioner was earlier granted provisional bail



for a period of three months by another Co-ordinate Bench of this Court vide order dated 10.01.2023 to resolve the monetary issues as the petitioner was ready to pay all the due amount in installments.

5. Learned counsel for the Informant submits that the petitioner is not taking interest in the matter and has not paid the total amount due to the Complainant as yet despite providing sufficient time to the petitioner. He further submits that as the petitioner was not taking any effort for amicable settlement of the financial dispute, the Co-ordinate Bench of this Court, vide order dated 07.02.2024, rejected the provisional bail granted to the petitioner with a direction to the trial court to make all efforts for immediate arrest of the petitioner and submit a report to this Court. He further submits that the petitioner has paid only Rs. 5,00,000/- up till now and rest of the amount i.e. Rs. 16,15,000/- has not been paid by him till date and is also not making any effort to settle the dispute.

6. At this stage, learned counsel for the petitioner submits that the petitioner has now been arrested and is ready to pay the due amount of Rs. 16,15,000/- but, in installments, as is imposed by this Court while granting bail to the petitioner.

7. Having heard rival contention of both the parties



and considering the undertaking given by the learned counsel for the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Complaint Case No. 1774 of 2018 (Tr. No. 2617 of 2022), subject to the following conditions;

(i) The petitioner will pay Rs. 3,00,000/- to the Complainant within a period of three months from the date of his release on bail.

(ii) The petitioner will pay rest of the amount to the Complainant, in equal installments, within a period of nine months thereafter.

(iii) One of the bailor(s) shall be the own/close family members of the petitioner.

(iv) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

8. It is made clear that in case of non-compliance of



any of the aforesaid conditions, the court below will be at liberty
cancel the bail of the petitioner and the petitioner will be taken
into custody.

9. It is also made clear that the amount, so paid by the
petitioner to the Complainant, shall be subject to the final
outcome of the case.

(Rudra Prakash Mishra, J)

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