

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1581 of 2023

Arising Out of PS. Case No.-1462 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. DHIRENDRA KUMAR SON OF SRI ADITYA NANDAN SINGH R/O VILL./MOHALLA- BIDYA COMPLEX, BYPASS ROAD, P.S.- RAMKRISHNA NAGAR, DISTT.- PATNA
 2. SOHANI KUMARI WIFE OF DHIRENDRA KUMAR R/O VILL./MOHALLA- BIDYA COMPLEX, BYPASS ROAD, P.S.- RAMKRISHNA NAGAR, DISTT.- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. ARUN KUMAR SON OF OM PRAKASH CHAUDHARY PROPRIETOR OM SHANTI TRADERS CHAKIA, P.S.- CHAKIA, DISTT.- EAST CHAMPARAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Thakur, Adv.

Mrs.Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 6 27-02-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State. Though, notice has been validly served upon the O.P. No.2 but nobody has entered appearance on his behalf.
2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 406 of the IPC and section 138 of the Negotiable Instrument Act.
 3. Allegation against the petitioners is that they took stone



chips and sand in huge quantity from the complainant and misappropriated Rs.10 Lacs by not paying the bill of the said purchase. Though cheques were handed over to the complainant but the same was returned by the Bank due to insufficient fund.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. The petitioners and the complainant are in similar business and dispute arose between them with regard to contract and for that reason, the petitioners have been implicated in this case. Earlier, the petitioner no.2 lodged F.I.R. against the complainant, thereafter, the present case has been lodged by the complainant. It is further submitted that the cognizance has been taken by the Court below u/s 406 of the IPC and 138 of the Negotiable Instruments Act. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case and considering that there is money dispute/business transaction dispute between the parties, let the above named petitioners, be released on bail, in the event of their 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) each 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.1462 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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