

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79371 of 2023

Arising Out of PS. Case No.-381 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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RAJESH KUMAR MISHRA SON OF SURESH MISHRA R/O
AKBARPUR, P.S.- NAHARPURA, DIST.- PATNA, BIHAR- 801505

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RANJEET KUMAR S/O LATE BALDEO PRASAD R/O VILLAGE-
TIKAICHAK, P.S- PIPRA, DISTT.- PATNA, A/P RESIDING AT
MOHALLA- KURJI, P.S- DIGHA, DISTT.- PATNA.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar Pandey, Advocate
	:	Mr. Sachin Kumar, Advocate
	:	Mr. Kuldeep Kumar, Advocate
For the Opposite Party/s	:	Mr. Anish Chandra, APP
For O.P. No. 2	:	Mr. Subham Sourav, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-03-2024 1. Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is named in the complaint
petition and apprehending his arrest in connection with Criminal
Complaint Case No. 381 of 2017 registered for the offences
punishable under Sections 406 and 420 of the Indian Penal Code
and Section 138 of the N.I. Act.

3. The allegation against the petitioner is that cheque
issued by him to complainant/O.P. No. 2 for the sum of Rs.
2,30,000/- was dishonored on presentation by complainant in



want of insufficient fund.

4. Learned counsel appearing on behalf of the petitioner submitted that cheque in issue was given blank to complainant as routine business manner and such cheque was never drawn for the same as alleged. It is submitted that there is no supporting documents/bills in favour of business transactions of disputed amount of Rs. 2,30,000/- for which alleged cheque was issued by petitioner. While concluding the argument it is submitted that petitioner is ready to pay 40% of the disputed cheque amount of Rs. 2,30,000/- to the complainant at the time of furnishing bail bond, subject to the outcome of trial.

5. Learned APP duly assisted by learned counsel appearing on behalf of the O.P. No. 2, while opposing the prayer for bail submitted that he is ready accept 40% of disputed cheque amount of Rs. 2,30,000/-.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact, as petitioner is ready of pay 40% of the cheque amount of Rs. 2,30,000/- to O.P. No. 2/complainant for the present, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Trial Court within a period of four weeks, is directed to be released on bail, furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Patna/concerned Court where the case is pending in connection with Criminal Complaint Case No. 381 of 2017 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with following conditions :-

(a) Learned Trial Court is directed to accept bail bond only on payment of 40% of the cheque amount of Rs. 2,30,000/- to the O.P. No. 2/complainant.

(b) If for any reason O.P. No. 2 failed to prove his case before learned Trial Court, O.P. No. 2 is directed to return aforesaid amount i.e., 40% of cheque amount of Rs. 2,30,000/- within one month of concluding trial with interest of 5% per annum to the petitioner.

(Chandra Shekhar Jha, J.)

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