

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83121 of 2023

Arising Out of PS. Case No.-1626 Year-2017 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Milind Kumar Jha S/O Uday Kant Jha Village- Maheshkhunt, PS.
Maheshkhunt, Dist.Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Brajesh Chandra Mishra S/o Sri Ramesh Chandra Mishra, Director, Brajesh
Auto Mobiles Pvt. Ltd. Maranga, P.S. K.Hat, District Purnia.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Surendra Kishore Thakur
For the State	:	Mr.Ashok Kumar Singh
For the O.P.2	:	Mr. Bidhu Ranjan

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-07-2024 Heard learned counsel for the petitioner, State and
complainant/opposite party no. 2.

2. The petitioner apprehends his arrest in a complaint
case punishable for the offence under Sections 409 and 420 of
the Indian Penal Code.

3. Allegation against petitioner is that he, being a
business partner, had purchased four vehicles of Mahindra
Company from opposite party no. 2 on a total sum of Rs.
20,00,955/- and assured to pay the same in a few days, but after
lapse of several months, he did not pay said amount to opposite
party no. 2. It is further alleged that a pleader notice was sent by
the opposite party no. 2 to the petitioner with a view to get the
outstanding money, but in spite of that, the petitioner did pay a
single rupee to the complainant / opposite party no. 2.



4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. However, without admitting the allegation made in the complaint petition, the petitioner is ready to deposit **Rs. 5,00,000/- (Rupees five lacs)** in easy installments in the Nazarat of the Civil Court, for which, learned counsel for the opposite party no. 2 does not oppose.

5. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Purnea in connection with Complaint Case No. 1626 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further following conditions:

“(A) *At the time of furnishing bail-bond*, the petitioner shall deposit **Rs. 2,00,000/-** (two lacs) in the *Nazarat* of Civil Court, Purnea.

(B) Rest amount i.e. **Rs. 3,00,000/-** (three lacs) shall be deposited in the *Nazarat* of Civil Court, Purnea *in four equal installments* of **Rs. 75,000/-** (seventy five thousand) each within a period of *twelve months* from the date of



furnishing bail-bond.

(C) The aforesaid payment shall be subject to final outcome of the case.

(D) If petitioner fails to comply the direction of this Court, the learned Court below would be at liberty to cancel the bail-bond of the petitioner.”

6. This order has been passed, without going into the merit of the case, only for the purpose of considering the prayer for anticipatory bail of petitioner.

(Prabhat Kumar Singh, J)

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