

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86490 of 2023

Arising Out of PS. Case No.-47 Year-2008 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Shailendra Kumar S/O Surendra Prasad R/O Village- Alampur, P.S- Barh,
Distt.- Patna.

... .. Petitioner/S

Versus

1. The State Of Bihar
2. M/S National Small Industries Corporation Limited (A Govt. Of India Enterprise) Mauryalok Complex, Shop No. C-142/143, P.S- Kotwali, Distt.- Patna Represented Through Its Development Officer-Cum-Authorized Representative Mr. Ajay Kumar, Son Of Late R.G. Lal NSIC, Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Braj Bhushan Mishra, Advocate
	:	Mr. Prem Ranjan Kumar, Advocate
For the Opp. Party No.2	:	Mr.Mukesh Kumar Sinha, Advocate
For the State	:	Mr.Tapeshwar Sharma, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr.Braj Bhushan Mishra, learned counsel

for the petitioner, Mr.Mukesh Kumar Sinha, learned counsel for

the opposite party No.2 and Mr.Tapeshwar Sharma, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No.47(C)/2008, registered for
the offences punishable under Sections 420 of IPC and 138 of
the N.I.Act.

3. As per the complaint case the complainant is the
authorised representative of the corporation which is a company,



was entered into an agreement with the petitioner's firm in the name and style of S.P Petrochemicals and Surendra Prasad and Shailendra Kumar (petitioner) were its partners and they had taken a machinery loan of Rs. 1,98,525/- under H.P. Loan scheme on 23.11.2004 and which was duly signed by the complainant and the firm by its partners and the alleged loan amount was to be repaid in 20 quarterly installments for which a post dated cheque of Rs. 12,325/- was issued which was dishonoured with an endorsement insufficient fund. Notice was sent demanding the amount to the accused person but they failed.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that in fact the loan amount has taken by the petitioner and his father from the opposite party No.2 and the alleged amount was to be repaid in 20 quarterly installments for which a post dated cheque of Rs. 12,325/- was issued in favour of opposite party No.2 which was dishonoured with an endorsement insufficient fund. Learned counsel for the petitioner outrightly submits that the petitioner is ready to pay Rs.12,325/-in favour of opposite party No.2.

5. Learned counsel for opposite party No.2 has no



objection in this regard. Further submits that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the anticipatory bail petition.

6. In view of the aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released 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 J.M.-1st Class, Patna in connection with Complaint Case No.47(C)/2008, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) The petitioner shall produce a demand draft of Rs.12,325/-in favour of opposite party No.2 at the time of furnishing bail bond and the learned court below is directed to hand over the said demand draft to the opposite party No.2 or his representative.

(II) Petitioner shall co-operate 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 on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

