

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86539 of 2023

Arising Out of PS. Case No.-2313 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Mukesh Kumar @ Mukesh Kumar Sinha Son Of Late Hari Shankar Prasad
R/O Mohalla- Vikash Nagar Maranga, P.S.- K. Hat (MARANGA), Dist.-
Purnea

... .. Petitioner/s

Versus

1. The State Of Bihar Patna
2. Pankaj Kumar Sonof Late Kritya Nand Yadav R/O Village- Bajraha Diyara,
P.S.- Dhamdaha, Dist.- Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Complaint Case No. 2313 of 2021, instituted for the offence
punishable under Sections 406 and 420 of the Indian Penal
Code.

3. The prosecution case, in short, is that the petitioner
is involved in business of sell and purchase of maize grains and
there was a dispute with regard to payment of sold maize
amounting to Rs. 16,00,000/- for which an agreement was
executed between the petitioner and the complainant and
consequently a cheque was handed over by Pritam Kumar Sinha
but the same bounced due to insufficient fund. Then the



complainant gave Pleader's notice for giving the money but the same was not paid.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that the petitioner is father of co-accused Pritam Kumar Sinha and his father (petitioner) has no concern with the alleged business transaction in between the co-accused and the complainant. It is submitted that the cheque was never given to the complainant by the petitioner towards payment of the dues rather it was given only for security purpose by the accused to the complainant. It is also submitted that the complainant has received the cheque amount of Rs. 16 lacs which was given by co-accused Pritam Kumar Sinha during the business transaction. The said Pritam Kumar Sinha has been granted bail by the learned court below itself. Lastly, it has been submitted that the petitioner has nine criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Complaint Case No. 2313 of 2022, he shall be released on



anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-Ist Class, Purnea, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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