

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3657 of 2024

Arising Out of PS. Case No.-3387 Year-2018 Thana- VAISALI COMPLAINT CASE
District- Vaishali

Abhishek Vatsa Son Of Balakant Pathak Resident Of Village- Dighi Pokhar
West, New Professor's Colony, Ps- Kotwali, Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baby Choubey Wife Of Krishna Kumar Choubey Resident Of Village-
Manikpur Pakri, Po And Ps- Lalganj, Dist- Vaishali At Hajipur
... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Syed Maslehuddin Ashraf
For the State	:	Mr. Nagendra Prasad
For the O.P.-2	:	Mr. Surendra Kishore Thakur

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 04-07-2024 Pursuant to order dated 09.04.2024, the matter was referred to Mediation & Conciliation Centre of Patna High Court, but the dispute between the parties could not be resolved through the process of mediation and as such, mediation failed (Report dated 13.05.2024 is available at flag 'D').

2. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the complainant / opposite party no. 2.

3. The petitioner apprehends his arrest in a complaint case punishable for the offences under Section 420 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

4. It is a case of 'cheque bounce'. The petitioner issued a cheque of Rs. Five lacs, which got dishonoured due to



insufficiency of fund.

5. After some argument, learned counsel for the petitioner submits that without admitting the allegation made in the complaint petition, the petitioner is ready to refund **Rs. 3,00,000/- (Rupees three lacs)** in easy installments through demand draft to the complainant/opposite party no. 2, for which, learned counsel for the opposite party no. 2 does not oppose.

6. 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, Vaishali at Hajipur in connection with Complaint Case No. 3387 of 2018, 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 refund **Rs. 1,00,000/-** (one lac) through demand draft to the complainant.

(B) Rest amount i.e. **Rs. 2,00,000/-** (two lacs) shall be refunded in *four equal installments* of **Rs. 50,000/-** (fifty thousand) each within a period of *twelve months* from the date of furnishing bail-bond to the complainant.



(C) 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.”

7. 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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