

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13307 of 2025

Arising Out of PS. Case No.-526 Year-2021 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Nagendra Singh Son of Shri Late Kameshwar Singh Resident of Village-
Bishunpur, PS- Baghaila, Distt.- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mintu Singh Son of Ishwar Dayal Singh Resident of Village- Kanchanpur,
P.S.- Sasaram (Muffasil), Distt.- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 28-03-2025 Heard Learned Counsel for the petitioner and Learned

APP for the State. Learned Counsel for Opposite Party No.2

appeared in this case *suo-moto*.

2. The petitioner is apprehending arrest in connection
with Complaint Case No. 526 of 2021 for the offence
punishable under Sections 420, 406, 323 & 506 of the Indian
Penal Code read with section 138 of the N.I. Act.

3. As per the prosecution, it has been alleged by the
complainant that the petitioner has not paid the amount of rice
which was sold to him and after several demands, petitioner
issued a cheque of Rs.3,25,000/- (Rupees Three Lakh Twenty
Five Thousand) which was subsequently bounced.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that petitioner has no criminal antecedent. Counsel further submits that petitioner is ready to return the cheque amount of Rs.3,25,000/- (Rupees Three Lakh Twenty Five Thousand) in three easy installments of one month each. Counsel submits that the first installment shall be of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand), the second and third installments shall be of Rs.1,00,000/- (Rupees One Lakh) each. The first installment shall be made on the day he shall surrender before the Trial Court and produce his bail bond. The second installment after one month and third installment shall be one month thereafter.

5. Learned Counsel for Opposite Party No.2 appeared in this case *suo-moto* and submits that he has no objection from the above submission of Counsel for the petitioner, but total dues are of Rs.8,00,000/- (Rupees Eight Lakhs).

6. In response thereof, Counsel for the petitioner submits that Rs.40,000/- (Rupees Forty Thousand) has already been paid.

7. Learned APP for the State opposes the prayer for bail of the petitioner.



8. As such, this Court without entering into the total dispute, is passing order only relating to the bounced cheque amount i.e. Rs.3,25,000/- (Rupees Three Lakh Twenty Five Thousand) and for rest amount, both the parties shall be at liberty to meet in the conciliation/mediation and resolve the matter peacefully or by way of contesting in litigation, as they feel appropriate.

9. Hence, considering the aforesaid facts and circumstances, let the above named petitioner, be released on **provisional bail** in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sasaram, Rohtas, in connection with Complaint Case No. 526 of 2021, subject to the conditions as laid down under Section 438(2) of Cr.P.C. with further conditions as follows:-

A. The petitioner shall pay to complainant, a Demand Draft of Rs.1,25,000/- as the first installment on the day he shall surrender or in the event of arrest before the Trial Court and produce his bail bond.

B. The second installment of Rs.1,00,000/- shall be paid in the form of Demand Draft after one month.



C. The third installment of Rs.1,00,000/- in the form of Demand Draft shall be paid one month thereafter.

10. After payment of Rs.3,25,000/- to the complainant in three installments mentioned above, the Trial Court shall confirm the provisional bail of petitioner. In case of failure of above conditions, provisional bail shall be cancelled.

11. Accordingly, the present bail application is hereby disposed off.

(Dr. Anshuman, J)

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