

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20380 of 2025

Arising Out of PS. Case No.-2224 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Balkrishna Kumar Son of Sharat Chandra Singh Resident of Mohalla - Indra Prasth Colony, Ward No.07, Bara Jagarnath, P.S. - Aahiyapur, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kaushal Prasad Singh Son of Late Rameshwar Prasad Singh Proprietor Durga Trading, Arya Samaj Road, P.S. - Samastipur (Town), District - Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-07-2025 Heard Mr. Dilip Kumar Roy, learned counsel for the petitioner, learned counsel for the O.P. No. 2 and Mr. Syed Ehteshamuddin, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with C.R. No. 2224 of 2023 for the offences punishable under Sections 406, 420, 467, 768, 471/34 of the Indian Penal Code but the learned Chief Judicial Magistrate, Samastipur has taken cognizance on 28.03.2024 under Section 406, 420/34 of the Indian Penal Code.

3. According to prosecution case, the accused



persons offered the dealership to the complainant and the complainant accepted the said dealership and the accused persons have given three blank cheque for the said dealership. The accused persons provided fertilizer and seed and the articles are of low standard, so the complainant returned the fertilizer and seed but the accused persons did not adjust in account.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offences as alleged in the complaint petition. He further submits that from a bare perusal of the complaint petition it appears that due to business transaction, the complainant has filed the false complaint petition against the petitioner and the petitioner is not the owner of the company in question and at the relevant time, the petitioner was Area Manager of the company in question.

5. Learned counsel for the complainant fairly submits that although the petitioner and his company has paid all the amount except Rs. 41,350/- (Rs. Forty one thousand three hundred fifty).

6. The learned counsel for the petitioner on



instruction fairly submits that the petitioner is ready to pay Rs. 41,350/- (Rs. Forty one thousand three hundred fifty) to the complainant.

6. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent, 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 the learned Chief Judicial Magistrate, Samastipur in connection with C.R. No. 2224 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioner shall produce a Demand Draft (DD) Rs. 41,350/- (Rs. Forty thousand and three hundred and fifty) at the time of furnishing bail bond and the learned Court below is directed to hand over the said DD to the complainant 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 absence on two consecutive dates without sufficient reason, his 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 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)

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