

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49379 of 2024

Arising Out of PS. Case No.-904 Year-2023 Thana- COMPLAINT CASE District- Banka

Gauri Nandan Son of Alok Kumar Mishra Resident of Hanumantnagar, Rajiv Path, Vill.- Mango, P.S.- Mango, Dist.- Jamshedpur, East Singhbhum, Jharkhand

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Namita Kumari @ Namita Jha Daughter of Mukund Jha R/O Pandatola, P.S.- Baunsi, Dist.- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Pranav Kumar Jha, Adv.
For the State	:	Mr. Ram Priya Sharan Singh, APP
For the O.P.2	:	Mr. Praveen Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 08-01-2025 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of complainant/opposite party no. 2.

2. The petitioner apprehends his arrest in a complaint case punishable for the offence under Section 420 of the Indian Penal Code and Section 138 of the N.I.Act.

3. The complainant has filed this complaint petition against petitioner stating therein that she was married with this petitioner on 06.02.2017, but after one year of marriage, this petitioner filed a matrimonial suit, vide Matrimonial Case No. 320/2018 against complainant in the court of Principal Judge, Family Court, Jamshedpur in which it was decided that



petitioner would pay a sum of Rs. Eight lacs to complainant for her maintenance and thereafter, petitioner paid 5.5 lacs in the account of complainant and the rest Rs. 2.5 lacs was given through a cheque, but said cheque was got disonoured due to insufficient fund. Thereafter, the complainant gave a legal notice, but the petitioner did not respond and thereby committed fraud with the complainant.

4. Learned counsel for the petitioner submits that as per settlement, petitioner has already paid entire money to the complainant. In support of his submission, learned counsel for the petitioner relies upon the deposition of the complainant made before the Principal Judge, Family Court, Jamshedpur in Original Suit No. 512 of 2022, in which, she has admitted that she has already received total 8 lacs rupees and all her jewelries & other articles from the petitioner.

5. However, learned counsel appearing on behalf of complainant/opposite party no. 2 disputes the fact of payment of rest money i.e. Rs. 2.5 lacs.

6. Considering the aforesaid facts and circumstances as well as aforesaid deposition of complainant/opp. party no. 2, the provisional bail granted to the petitioner, *vide* order dated 08.08.2024, is hereby confirmed and petitioner is directed to



remain on the same bail-bond.

(Prabhat Kumar Singh, J)

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