

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63656 of 2024

Arising Out of PS. Case No.-426 Year-2022 Thana- CHAKIA District- East Champaran

Vijay Kumar Singh S/o Umakant Singh R/o Village- Nagar Parishad Teghra,
PS- Teghra, Distt- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Manoj Kumar S/o Late Narsingh Prasad Singhania R/o vill -Kuan Road, P.S.
- Chakia, Distt. - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Narain Sinha
For the Opposite Party/s	:	Mr.Chandra Sen Prasad Singh
For the O.P. 2	:	Mr. Ansul, Senior Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 24-02-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Chakia P.S. Case No. 426 of 2022 dated 10.10.2022 registered under Sections 420, 409 & 120B of the I.P.C.

3. As per the prosecution case the informant is the supplier of mustard oil and is engaged in the business of oil. The petitioner along with the co-accused / Tarun Singh contacted the informant for supply of oil. The informant supplied oil worth Rs. 21,97,000/- to the petitioner through Tarun Singh for which the cheque no. 382579 was issued as a security and the petitioner promised to pay the total amount in installments through bank transfer. The petitioner transferred a sum of Rs. 5,00,000/- to the



informant in the informant's bank account and subsequently thereafter rest amount was not paid. The cheque deposited by the informant in his bank bounced due to stop payment. The allegation is that petitioner along with the co-accused grabbed a sum of Rs. 16,97,000/- of the informant.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the entire amount has been paid by the petitioner through middle man and the co-accused namely, Tarun Singh. The said Tarun Singh has given acknowledgment receipt of the payment made to him by the petitioner. A copy of the same has been produced during the course of hearing and the same is kept on record. Learned counsel further submits that instead of filing complaint under Section 138 of the N.I. Act, the informant has filed the first information report giving colour of criminal nature to a dispute related to business transaction.

5. On the other hand, Mr. Ansul, learned counsel appearing for the informant vehemently opposed the prayer for anticipatory bail and submits that the petitioner after receipt of supply of oil from the informant paid Rs. 5,00,000/- through bank transfer and it is improbable that remaining amount was paid in cash through the co-accused / Tarun Singh. The



petitioner had given an undertaking on 27.04.2022 that guarantee cheque was being issued by him for the purpose of making payment of the balance amount of the price of oil but with an intention to grab the money of the informant, the petitioner along with the co-accused has misappropriated huge amount of the informant.

6. Regard being had to the submission made by the parties, taking into consideration the nature of dispute which arises out of business transaction, I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, East Champaran, Motihari / concerned court in connection with Chakia P.S. Case No. 426 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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