

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.16978 of 2015**

Arising Out of PS.Case No. -104 Year- 2008 Thana -RAXAUL District-  
EASTCHAMPARAN(MOTIHARI)

=====

Vijay Prasad Shrivastava S/o Shri Ashok Shrivastava, resident of Mohalla-  
Nagar Road, Raxaul, P.S.- Raxaul, District- East Champaran

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Shailendra Kr Singh, Adv & Mr.  
Alok Ranjan, Adv

For the Opposite Party/s : Mrs. Sharda Kumari(APP)

For the Bank. : Mr. Ajay Kumar Sinha, Adv

=====

**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**

ORAL ORDER

3      07-09-2015                      Heard learned counsel for the parties.

2. For the reasons mentioned in the application, the prayer made therein for grant of anticipatory bail is allowed, keeping in view the observations made by this Court in the order dated 01.05.2009 in Criminal Miscellaneous No. 3015 of 2009, inasmuch as, in that order also the solitary reason for rejecting the prayer for anticipatory bail was that the petitioner at that point of time was not prepared to deposit the amount of Rs. 14, 95, 000/- allegedly drawn by way of committing fraud.

3. Now, today when the petitioner has voluntarily



produced on his own banker's cheque of Rs. 14, 95, 000/- in the name of Central Bank of India, Raxaul branch, this Court without prejudice to the right of the parties including the Central Bank of India as well as the prosecuting agency would direct the petitioner to surrender before the Court below within a period of four weeks and, if the petitioner namely, **Vijay Prasad Shrivastava**, surrenders within a period of four weeks from today, he would 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 **Chief Judicial Magistrate at Motihari** in connection with **Raxaul P.S. Case No. 104 of 2008**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That both the bailors will be close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the bailor shall also state on affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar

nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

4. The banker's cheque of Rs. 14, 95, 000/- dated 02.09.2015, is being made available to Mr. Ajay Kumar Sinha, learned counsel for the Bank for its being encashed by the concerned authority of the Bank but it also goes without saying that the final outcome of the trial shall govern the fate of the amount of Rs. 14, 95, 000/-, inasmuch as, if the petitioner will earn honourable acquittal, this amount will be refunded by the bank to the petitioner but in the event the petitioner is convicted, the bank shall retain the

aforementioned amount apart from any other sentence that may be inflicted upon the petitioner.

5. With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

Ranjan/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|