

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6521 of 2015

Arising Out of PS.Case No. -237 Year- 2013 Thana -LAHERIASARAI District- DARBHANGA

1. Nityanand Jha Son of Sri Jai Prakash Jha, Resident of Village / Mohalla Galma, P.S. - Ghhanshyampur, District - Darbhanga and at present residing at C/o Mahendra Yadav, s/o- Sri Subedar Yadav, Mohalla - Sahganj Benta, P.S. - Laheriasarai, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Giri, son of Shiv Shankar Giri, r/o- village Kala Narpat Nagar, P.S.-Hasanpur, District- Samastipur. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Pandey (APP)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 06-07-2015 Heard Mr. Thakur for the petitioner, Counsel for the informant and the APP for the State.

Petitioner apprehends his arrest in connection with Laheriasarai P.S. Case No. 237 of 2013 registered under Sections 406 and 420 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

It is alleged that on assurance given by the petitioner, the informant deposited 20 documents for grant of educational loan from the company of which the petitioner claimed to be District Service Agent. Counsel for the petitioner, drawing attention of the Court to Annexure-2, states that an F.I.R. was earlier lodged against the informant of the present case for having submitted forged documents which on scrutiny was not approved by the Company. The processing fee deposited therefor was, however,

not returned. The dispute actually pertains to return of the processing fee.

Considering the facts and circumstances of the case, I direct that in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in Laheriasarai P.S. Case No. 237 of 2013 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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