

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23214 of 2015

Arising Out of PS.Case No. -713 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

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Araya Sumant Son of Parmanand Singh resident of village - Rasulpur, P.S.
Nagara, Distt. - Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. Shailesh Kumar Pandey S/o Sri Rajeshwar Pandey R/o village -
Kotheya, P.S. Jalapur, Distt. - Chapra, Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate.

For the Opposite Party/s: Mr. Anita Kri.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 21-08-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 406/420 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act, when it is an admitted position that the petitioner had given a Cheque of Rs. 2.5 lacs which has bounced, the petitioner can get privilege of anticipatory bail only then if he deposits the said amount to the petitioner.

Learned counsel for the petitioner submits that the petitioner will be depositing the aforementioned amount in the court below by way of bank draft in the name of O.P. No. 2 within a period of six weeks from today.

That being so, if the petitioner, namely, Arya Sumant surrenders before the court below within a period of six weeks from

today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Saran, Chapra in connection with Complaint Case NO. 713 of 2014; subject to the following conditions:

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- (i) The aforesaid bank draft of Rs. 2.5 lacs in the name of the O.P. No. 2 shall be handed over to the O.P. No. 2, but the same shall remain subject to the final result of the trial. In other words, if the petitioner is acquitted of the charge, the O.P. No. 2 will be under obligation to refund the amount but on the other hand, if the petitioner is held guilty, the amount of Rs. 2.5 lacs shall be retained by O.P. No. 2, apart from any other punishment that may be inflicted on the petitioner.
 - (ii) That both the bailors will be close family relatives of the petitioner, who will undertake 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.
 - (iii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
 - (iv) That the bailors 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 his bail on the ground of misuse.

- (v) That the petitioner will be well represented on each and every date in course 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.

(Mihir Kumar Jha, J)

Sujit/-

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