

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27714 of 2015

Arising Out of PS.Case No. -163 Year- 2015 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Pradeep Kumar Son of Late Harihar Prasad Resident of village - Malahi,
Police Station - Malahi, District - East Champaran, Presently residing at
Kajarpatti, Police Station - Motihari Town, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Birendra Mishra, son of Adalat Mishra, resident of village-Salahi, P.S.-
Govindganj, Distt. East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7
For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-09-2015 Heard learned counsel for the petitioner, informant and
the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 406 and 420 of the Indian Penal Code
and 138 of the Negotiable Instrument Act.

Allegation against the petitioner is that he was supplied
coal on credit by the informant. Later on, petitioner made payment
of Rs. 4,23,000/- but did not return the balance amount of
Rs.4,77,000/-.

It has been submitted on behalf of the petitioner that he
has got no criminal antecedent. It has further been submitted that
petitioner is ready to pay back the admitted amount of Rs.
4,77,000/- to the informant within a period of eight months from
today.

On behalf of the State, it is submitted that the petitioner is

named in the F.I.R.

On behalf of the informant it is submitted that he is agreed to the proposal made by the petitioner.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of arrest or surrender in the court below within a period of four weeks, be released on provisional bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Motihari Town P.S. Case no. 163 of 2015 (G.R. no. 1173 of 2015), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The provisional bail shall be confirmed if petitioner returns the admitted amount of Rs. 4,77,000/- within a period of eight months from today. After return of the aforesaid amount both parties shall make a joint application before the court below for compounding the offence and the court below shall pass a necessary order considering the joint petition made on behalf of the parties.

(Sudhir Singh, J)

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