

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 30468 of 2014

Arising out of P. S. Case No. - 208 Year - 2013 Thana - RAMPUR District - GAYA

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1. Sandeep Kumar Daftuar, S/o Late Mithleshwari Prasad, R/o vill. -
Ramdhanpur, P.S. - Kotwali, Distt. - Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Prof. Arvind Singh, S/o Late Shiv Narayan Singh, R/o Mohalla - Shastri
Nagar, Jail Press, Near Goraiya Asthan, P.S. - Rampur, Distt. - Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar Dutt, Advocate

For the Opposite Party/s : Mr. Narsing Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 29-01-2015

Heard the parties.

In this application for anticipatory bail the petitioner apprehends his arrest for the offence punishable under Sections 406 and 420 of the Indian Penal Code and Section 138 of the N.I. Act.

It is submitted on behalf of the petitioner that petitioner is ready to pay Rs.11,45,000/- to the informant which has not been encashed and the cheque has been dishonoured by the bank but the informant is not ready to take back the said amount and wants to extra heavy amount from the petitioner. The petitioner is still ready to return Rs.11,45,000/- in instalments. No case under Sections 406 and 420 of the Indian Penal Code is made out against the petitioner and the police case for the offence under Section 138 of the N.I. Act is barred.

The learned counsel for the petitioner submits that in four equal instalments the petitioner is ready to deposit the amount of

Rs.11,45,000/-.

The learned A.P.P. submits that if the petitioner is ready to pay the amount then lenient view can be taken.

In view of the facts and circumstances as stated above, in case the petitioner deposits the amount of Rs.3,00,000/- (three lacs) by way of first instalment through bank draft in the name of the informant then the petitioner shall be enlarged on provisional anticipatory bail, in case of his arrest or surrender within two months from the date of receipt/production of a copy of this order on execution of bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Rampur P.S. Case No. 208 of 2013, subject to the conditions as laid down in Section 438(2) of the Cr.P.C. and if the remaining rest amount i.e. Rs.8,45,000/- is deposited by the petitioner in three equal monthly instalments then his provisional anticipatory bail shall be confirmed by the court below itself. Accordingly, this Criminal Miscellaneous is hereby disposed of.

(Jitendra Mohan Sharma, J.)

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