

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32310 of 2015

Arising Out of Complaint Case No. -973 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Parmanand Prasad S/o Late Ramcharitra Prasad

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vijay Kumar S/o Late Gopi Lal

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abinash Kumar, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 26-08-2015 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 406, 420, 323, 504 of the Indian Penal Code and 138 of N. I. Act.

It is alleged that the petitioner being the LIC agent was entrusted Rs.3,92,648/- by the complainant for deposit of the premium amount of the LIC policies of the complainant and his wife. Subsequently, the complainant came to know that the same was not deposited. Though, the petitioner issued six cheques for returning of the said amount, but the cheque got bounced.

It is submitted by learned counsel for the petitioner that

though the complainant in his S.A. stated the he only paid one premium of the LIC policy, the rest premium was deposited by the petitioner to the extent of Rs.2,20,000/-, but the same is being controverted by the learned counsel for the complainant, who admits that out of non deposited amount of Rs.3,92,648/- the petitioner has only returned Rs.50,000/-.

Under the circumstances, the counsel for the petitioner submits that the petitioner is ready to return Rs.3,38,587/-, within a period of nine months through bank draft by submitting the same before the learned court below. On deposit of the same, the learned court below will release the said draft in favour of the complainant.

Learned counsel for the complainant submits that on release of the said draft, the complainant will file appropriate application stipulating the factum of settlement of issue before the learned court below.

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for nine months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Patnacity in

connection with Complaint Case No.973 C of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of draft of Rs.3,38,587/-within a period of nine months.

It is expected that the complainant will return the unused cheques and will file an appropriate application before the learned court below to the effect that he will never try to encash the same in future.

Ashwini/-

(Dinesh Kumar Singh, J)

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