

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40105 of 2015

Arising Out of PS.Case No. -78 Year- 2015 Thana -BRAHMPUR District- BUXAR

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Santosh Singh @ Santosh Kumar Singh Son of Late Vishwanath Singh
Resident of village - Danwar, P.S. Kachwa, District - Rohtas, Bihar

.... Petitioner

Versus

1. The State of Bihar
2. Sonu Kumar Singh, son of Ramayan Singh, village + P.O. Arak, P.S. Krishna Brahma, District Buxar (Bihar)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha

For the Opposite Party/s : Mr. U.L.Verma (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-09-2015 Learned counsel for the petitioner prays for and is allowed
to implead Sonu Kumar Singh, the informant, as O.P.No.2.

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 138 of the Negotiable Instrument Act read with sections 120B, 420, 406/34 of the Indian Penal Code and the admitted position that a sum of Rs.1,60,000/- of the informant was deposited in the Bank account of the petitioner for which there is no plausible explanation except an oral submission that such amount was part of refund of loan given by the petitioner to this informant, this Court was not inclined to grant privilege of anticipatory bail to the petitioner because such amount of giving loan by the petitioner to the informant has not been substantiated by any documentary evidence produced by the petitioner.

Faced with this situation learned counsel for the petitioner comes out to offer that the petitioner will pay a sum of Rs.1,60,000/- within a period of six weeks simultaneously with his surrender in the court below.

That being so, if the petitioner, Santosh Singh @ Santosh Kumar Singh, surrenders before the court below within a period of six weeks from today and makes payment of Rs.1,60,000/- by a Banker's cheque or Bank draft in the name of O.P.No.2, he shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Buxar in Brahmipur (K.B.) P.S.Case No. 78/2015 (Complaint Case No. 183/2015, Computer Number 179/2015), subject to the following conditions:

(i) The aforesaid amount of Rs.1,60,000/- by way of Banker's cheque or Bank draft in the name of O.P.No.2 shall be handed over to O.P.No.2 by the court below after obtaining a undertaking from him that if in the trial the petitioner is acquitted, the said amount of Rs.1,60,000/- shall be refunded by him to the petitioner.

(ii) That both the bailors will be a close relative of the petitioner who will give 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 bailor shall also state on affidavit that he 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 bail on the ground of misuse.

(iv) That the petitioner will be well represented on each and every date 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.

surendra/-

(Mihir Kumar Jha, J)

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