

Arising Out of PS.Case No. -64 Year- 2015 Thana -SAUR BAZAR District- SAHARSA

.... Petitioner

The State of Bihar

Appearance :

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

Heard learned counsel for the petitioner and

This application for grant of anticipatory bail arises out of Sour Bazar P.S. Case No. 64 of 2015, disclosing offences under Sections 406, 420, 468, 467 and 471 of the Indian Penal Code.

Allegedly, the petitioner had executed an agreement to sale with respect to property which was mortgaged in favour of Bihar State Financial Corporation against certain loan taken by him. The informant is said to have paid a sum of Rs. 5,50,000/- by cash and 4.5 lacs through cheque. This is not in dispute that the said amount of Rs. 4.5 lacs, said to have been paid by the informant through cheque to the petitioner, could not be

encashed because of insufficiency of fund in the amount.

Learned counsel appearing on behalf of the petitioner submits that no offence punishable under Sections 406, 420, 468, 467 and 471 of the Indian Penal Code is made out on the facts alleged in the First Information Report.

Learned counsel appearing on behalf of the informant has vehemently opposed the prayer for anticipatory bail and has contended that the petitioner is habitual in commission of offence of the nature as alleged in the First Information Report and he has done same thing with other persons also.

Be that as it may, keeping in view the nature of the dispute and the submissions made on behalf of the parties as noted above, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/Court concerned, Saharsa in connection with Sour Bazar P.S. Case No. 64 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner

shall present himself before the police/Court, as the case may be,
as and when required and in the event of failure on his part to
appear before the Court on two consecutive occasions, his bail
bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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