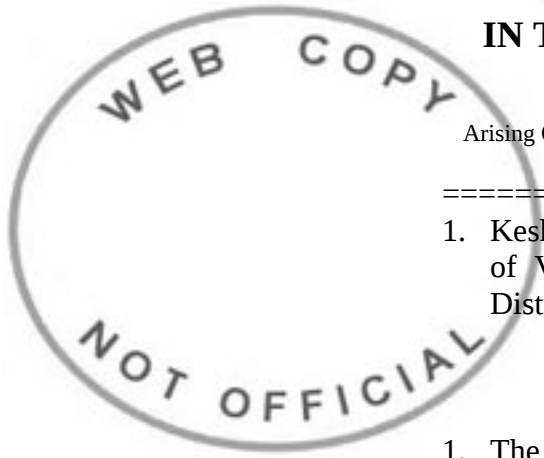




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47916 of 2015

Arising Out of PS.Case No. -138 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

=====

1. Keshav Kumar @ Keshav Pandey, Son of Late Ashok Pandey, Resident of Village- Rasulpur, Uma Nagar Wasit, Police Station- Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jay Shankar Pandey, Son of Late Ram Anup Pandey, Resident of Mohalla- Court Bazar, Ward No.13, Police Station and District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Verma

For the Opposite Party/s : Mr. Nitya Nand Tiwary (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-11-2015 Petitioner is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 406/34 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

The prosecution case is that the complainant entered into an agreement with co-accused Abhay Kumar Pandey for purchase of a land and advance of Rs. 1,01,000/- was given to Abhay Kumar Pandey. Subsequently Rs. 49,000/- was also paid but Abhay Kumar Pandey failed to get the land registered. Though the complainant directly talked to the land

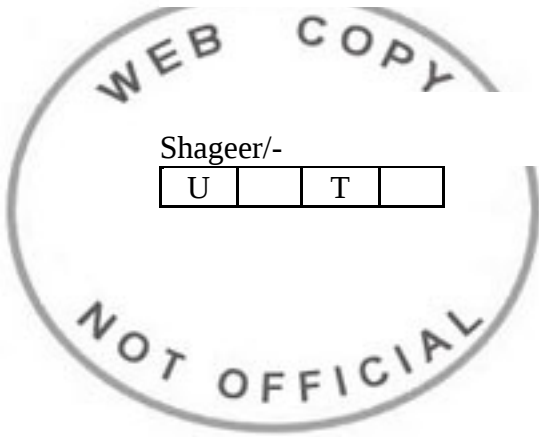
owner and got the sale deed registered. Subsequently the petitioner issued two cheques of Rs. 75,000/- each, one of which got bounced. In lieu of the other cheque the cash payment was made to the complainant.

It is submitted by learned counsel for the petitioner that though agreement was with the petitioner and the co-accused Abhay Kumar Pandey but petitioner is ready to make payment of cheque amount of Rs. 75,000/- within a period of five months. The aforesaid payment will be deposited through bank draft in favour of the complainant before learned Court below which will be released by the Court below to the complainant, if the complainant gives an undertaking to file appropriate application for withdrawal/compromise of the present complaint, otherwise the said amount will be deposited in the Court which will be subject to the result of the case.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi in connection with CI-138 of 2015, Trial No. 3669 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional anticipatory bail of the

petitioner will be confirmed by learned Court below on submission of draft of Rs. 75,000/- by the petitioner before learned Court below.



(Dinesh Kumar Singh, J)