

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33480 of 2012

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1. Vikash Kumar, S/O Ramashankar Prasad, Proprietor M/S Asha Construction, Block-D, Laxmikant Niketan Parisar, Jamal Road, Gandhi Maidan , Town & Distt-Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Santosh Kumar Sinha, S/O Sri Mithilash Singh, Proprietor M/S Modi Spencer & Company, 204B, Vanik Kunj, Opposite Shiva Mandir, Khajpura, Bailey Road, P.S.-Rajiv Nagar, Distt-Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Agrawal, Advocate

For the Opposite Party/s : Mr. R. B. Roy Raman, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

9/ 23-01-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in a case instituted for the offence under Section(s) 420 Indian Penal Code and Section 138 of the NI Act.

In the nature of dispute, notice had been issued to the Opposite Party No.2, but to no avail.

Considering that the dispute arose out of contractual obligation upon which both the parties have their own views, it is ordered that in the event of surrender/arrest of the Petitioner, named above, within four weeks from the date of receipt/production of a copy of this order in connection with Complaint Case No.2862-C of 2011, he shall be released on

anticipatory bail on furnishing bail bond of ₹5,000/- (five thousand) with two sureties of the like amount each or any other surety to be fixed by the court below to the satisfaction of the Judicial Magistrate, 1st class, Patna, subject to the conditions as laid down under Section 438(2) Cr. P. C. and (i) That one of the bailors will be a close relative of the Petitioner, who will give an affidavit giving genealogy as to how he is related with the Petitioner. The bailors will undertake to furnish information to the court about any change in the address of the Petitioner, (ii) That the affidavit shall clearly state that the Petitioner is not an accused in any other case and, if he is, he shall not be released on bail, (iii) That the bailors shall also state on affidavit that they 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 date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

JA/-

(Anjana Prakash, J)

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