

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48950 of 2015

Arising Out of PS.Case No. -212 Year- 2015 Thana -GAYA MUFFSIL District- GAYA

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Priya Ranjan Kumar @ Pinku, S/o Late Birendra Kumar Verma @ Birendra Verma, R/o Mohalla - Godwari Bhairo Asthan, P.S. - Rampur, District - Gaya. Petitioner

Versus

1. The State of Bihar.
 2. Amrendra Kumar Sinha, S/o Late Devnandan Prasad Singh, Vill + P.O. - Janakpur Riverside, Dinkar Ghat, P.O. - Buniyaadganj, P.S. - Mufassi, District - Gaya. Opposite Parties
- =====

Appearance :

For the Petitioner/s : Mr. Dayanand Singh

For the Opposite Party/s : Mr. Manish Kumar No.2 (App)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

2 10-11-2015 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in a case under Sections 420 and 406 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

Learned counsel for the petitioner submits that the allegation of the informant that petitioner took a sum of Rs.4,00,000/- (Four lacs) and odd is not correct. Furthermore, in fact the petitioner took only a sum of Rs.60,000/-and the petitioner issued a cheque of Rs.70,000/- for recovery of interest portion with the request to encash the same after two months. However, the informant deposited the same after few days, on account of which the cheque was not encashed. He submits that though no case under Section 138 of N.I. Act would be made out, as the

procedure prescribed for forming an offence under Section 138 of N.I. was not followed. Nonetheless, the petitioner is willing to pay a sum of Rs.70,000/- and prays for installments because of his poor financial condition.

As the petitioner is willing to pay the admitted loan amount, in the event of arrest or surrender before the court below within six weeks from today the above named petitioner be released on bail on furnishing bail bond of Rs.5000/- (Five thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gaya in connection with Mufassil P.S. Case no. 212 of 2015 subject to the conditions as laid down under Section 438 (2) Cr.P.C. with the following conditions:

The petitioner would pay a sum of Rs.70,000/- in five equal monthly installments to the informant. The first installment by way of Bank draft, in favour of the informant, which would be deposited in his account with a written information to the court concerned, within a month and the rest amount in subsequent monthly installments. Even in default, the bail bonds of the petitioner would be liable to be cancelled.

Uday/-

(Samarendra Pratap Singh, J.)

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