

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36449 of 2014

Arising Out of PS.Case No. -1973 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Md. Aslam, Son of Asraf Ali, resident of Quarter No. 1271, Sector 12/F,
P.S.-Sector 12, Bokaro Steel City, District- Bokaro, State-Jharkhand.

.... Petitioner/s

Versus

1. State of Bihar
2. Lakhendra Sharma, Son of Sri Yagendra Sharma, resident of Village-
Madhopur Nijma, P.S.- Mahua, District- Vaishali, at present residing at
Gannipur Bejha, P.S.- Sakra, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shantanu Kumar, Advocate.

For the Opposite Party/s : Mr. Arun Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 20-02-2015 Heard learned counsel for the parties.

Having regard to the nature of offence under Sections 406 and 420 of the Indian Penal Code and under Section 138 of the Negotiable Instrument Act, while this Court was not inclined to grant privilege of anticipatory bail to the petitioner for a simple reason that he having admittedly issued two cheques of the amount of Rs. 70,000/-and Rs. 20,000/- respectively could not have stopped its payment learned counsel for the petitioner comes out with an offer that the petitioner will pay the aforementioned total amount of Rs. 90,000/- to the complainant opposite party no. 2 within a period of one month from today but the same should be subject to outcome of the trial against the petitioner.



Considering the aforementioned offer of the learned counsel for the petitioner, this Court would direct the petitioner namely, Md. Aslam to surrender within a period of four weeks from today and the court below shall grant bail to the petitioner on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount to the satisfaction of the Judicial Magistrate, Ist Class, Muzaffarpur in connection with Complaint Case NO. 1973 of 2012 (Tr. No. 3991/2014), subject to the following conditions:

- (i) The petitioner at the time of surrender shall produce a sum of Rs. 90,000/- by bank draft in the name of the complainant and upon its being produced by the petitioner, the aforesaid bank draft will be handed over to the complainant by obtaining an undertaking from him that he shall refund the aforementioned amount, in case, the petitioner is completely exonerated and acquitted in the trial.
- (ii) That both the bailors will be a close family relative of the petitioner, who will undertake 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 affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
- (iv) 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.
- (v) That the petitioner will be well represented on each and every date in course 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.

(Mihir Kumar Jha, J)

Sujit/-

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