

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18590 of 2015

Arising Out of PS.Case No. -9 Year- 2015 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

Raj Kumar Singh, Son of Baliram Singh, Resident of Village - Koaila
Mohan, Police Station - Sarai, District - Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 15-06-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Sections 406, 420 and 468 of the Indian Penal Code and the admitted position that the petitioner himself had given three cheques in the name of the informant on 04.09.2014, 07.10.2014 and 21.10.2014 for a total sum of Rs. 4,50,000/-, this Court, without going into the correctness of allegation against the petitioner of giving Rs. 5 lacs, would be inclined to grant privilege of anticipatory bail, if the petitioner would pay a sum of Rs. 4,50,000/- by demand draft/bankers cheque in the name of the informant Jwala Prasad Singh within a period of six months from today.

Learned counsel for the petitioner submits that the petitioner is not in a position to pay the aforesaid amount in one lump-sum and, therefore, he would be given some protection by way of allowing him to pay the amount in instalment.



Considering the aforementioned submission of the learned counsel for the petitioner, which is also not being objected by the learned counsel for the informant, this Court would direct that if the petitioner, namely, Raj Kumar Singh surrenders before the court below within a period of four weeks from today and produces a bank draft of Rs. 1,50,000/- payable in the name of Jwala Prasad Singh, he shall be released on provisional bail for a period two months on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 09 of 2015, subject to the following conditions:

- (i) That both the bailors will be close family relatives 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.
- (ii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, she 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 his bail on the ground of misuse.

(iv) 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.

The petitioner must deposit the second instalment of Rs. 1,50,000/- again by a bank draft payable in the name of Jwala Prasad Singh within two months of his being granted provisional bail and if he does so, his provisional bail shall be extended again for a further period of two months and thereafter the petitioner must pay the remaining amount of Rs. 1,50,000/- in the similar manner by bank draft in the name of informant in next two months. If he does so, the court below on being satisfied of full and final payment of Rs. 4,50,000/- by the petitioner to the informant, shall confirm the provisional bail.

It is, however, made clear that such deposit of Rs. 4,50,000/- by the petitioner in the court below and its being handed over to the informant within a week of furnishing of bank draft by the petitioner shall however remain subject to the final outcome of the pending trial of the petitioner.

(Mihir Kumar Jha, J)

Sujit/-

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