

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33528 of 2015

Arising Out of PS.Case No. -772 Year- 2011 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

- =====
1. Alok Kumar, Son of Ram Narain Gupta
2. Anshu Bala wife of Alok Kumar Both are resident of village- Bidhupur,
P.S.- Bidhupur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul

For the Opposite Party/s Mr. Satyendra Narayan Singh(App)

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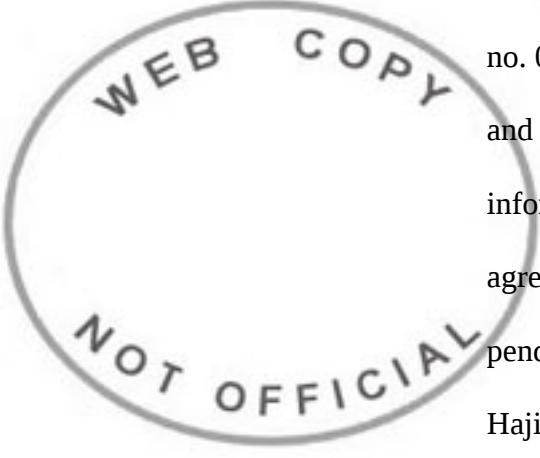
CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 28.07.2015 Heard learned counsel for the petitioners as well as
learned Addl. Public Prosecutor for the State and also heard
learned counsel for the informant.

Petitioners apprehend their arrest in connection with
Hajipur Town P. S. case no. 772/2011 registered under sections
406 and 420/34 of the Indian Penal Code.

Informant agreed to purchase a piece of land from the
petitioners and accordingly, made payment but the petitioners
did not execute registered sale deed nor returned the amount.

The contention on behalf of the petitioners is that
parties have settled their dispute with happy note of
compromise and in pursuant to the aforesaid compromise, one
cheque of Rs 2, 50, 000/- bearing cheque no. 434176 dated
12.5.2015 was issued and the aforesaid cheque was encashed by



the informant. Subsequently, again, two post dated cheques bearing cheque no. 060350 dated 3.8.2015 as well as cheque no. 060351 dated 20.10.2015 of Rs 1, 25,000/- each were issued and the aforesaid cheques are still in possession of the informant. It is also pointed out that in compromise, parties agreed that the informant shall withdraw Money suit no. 6/2011 pending in the court of learned Sub Judge III, Vaishali at Hajipur and other cases which have been filed by the informant against the petitioners. It is further contended by him that if the above stated cases are withdrawn by the informant, he shall be entitled to encash post dated cheques.

Learned counsel appearing for the informant does not raise any objection to the above stated submissions and assures this court that the informant shall take steps for withdrawal of the cases filed by him against the petitioners.

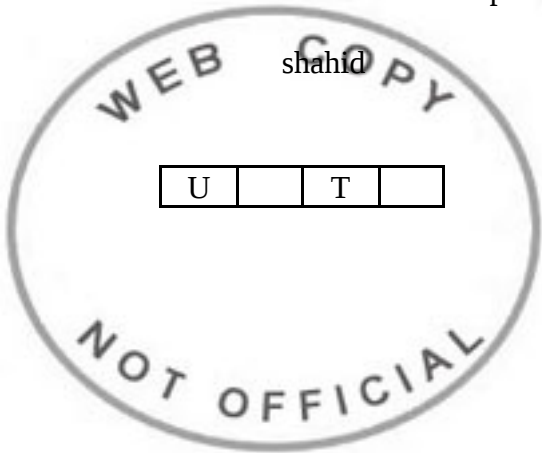
In view of the above stated submissions, this anticipatory bail petition is allowed and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the above named petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur in Hajipur Town P. S. case no. 772/2011 subject to condition as laid down under section 438(2) of the Cr.P.C.

Furthermore, if post dated cheques are dishonoured by the concerned bank after their production, the concerned

court shall be at liberty to cancel the bail bonds of the petitioners.

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(Hemant Kumar Srivastava,J)



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