

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13366 of 2015

Arising Out of PS.Case No. -2537 Year- 2009 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Brij Nandan Prasad Singh Son of Late Gopal Singh Resdent of Village -
Milkipar, P.S. - Bihta, District - Patna (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vishwanath Rai S/o - Sri Sita Ram Rai R/o at Vill + P.O. - Gauspur, P.S.
- Hazipur Sadr, Distt. - Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhanendra Chaubey, Adv

For the Opposite Party/s : Mr. Sanjay Kr.Panday(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 09-07-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-420 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act, this Court in view of the admitted position that the petitioner had given cheque to the complainant in the date of 28.12.2008 for a sum of Rs. 1,50,000/- and the said cheque has bounced, would find him entitled for grant of privilege of anticipatory bail only if he pays the aforementioned amount of Rs. 1,50,000/- in the Court below or in the Bank Account of the complainant Opposite Party No. 2.



In that view of the matter if the petitioner namely, **Brij Nandan Singh**, surrenders within a period of four weeks from today and also furnishes proof of making payment of Rs. 1,50,000/- to the complainant Opposite Party No. 2, he shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **Judicial Magistrate 1st Class, Hajipur, Vaishali** in connection with **Complaint Case No. 2537 of 2009 (Tr. No. 3100 of 2014)**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) The deposit of a sum of Rs. 1,50,000/- in the bank account of complainant-Opposite Party No. 2, by the petitioner shall remain subject matter of the criminal trial and ultimately if the petitioner is acquitted from the charge, the complainant Opposite Party No. 2 will be liable to refund the aforementioned amount of Rs. 1,50,000/- to the petitioner.

(ii) That both the bailors will be close relative of the petitioner who will give 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 bailor 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 and every date 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.

Ranjan/-

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(Mihir Kumar Jha, J)