

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32767 of 2015

Arising Out of PS.Case No. -3277 Year- 2011 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Mukesh Kumar Singh S/o Vijay Singh, Director, Dream Plus Multi
Services Pvt. Ltd., Resident of Mohalla Jamal Road, P.S. Gandhi Maidan,
District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dina Nath Prasad S/o Late Mahajan Prasad Resident of Village Mona
Gola Road, P.S. Chapra Town, District Saran at Chapra.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha
For the Opposite Party/s : Mr. Mukesh Kr.Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 04-11-2015 Heard learned counsel for the petitioner, learned

A.P.P. for the State as well as learned counsel for Opposite Party

No. 2.

The petitioner apprehends arrest in a case

registered for the offences punishable under sections 406 of the

Indian Penal Code and section 138 of the N. I. Act.

Learned counsel for the petitioner submits that

whatever transaction has been made between the parties, a case

under section 138 of the N.I. Act is made out which is aailable

provision.

Learned counsel for Opposite Party No. 2 submits



that though the stand taken by the petitioner is that he has not taken the money, actually a cheque was issued to him to the tune of rupees two lacs. He further submits that the petitioner is willing to re-pay the same. He has no objection if the petitioner is extended the privilege of anticipatory bail provided petitioner repays the aforesaid amount to him. He suggests that the petitioner may re-pay the amount in instalments which is, in fact, a fair offer.

Learned counsel for the petitioner agrees that if the petitioner is extended the benefit of anticipatory bail, he is willing and ready to deposit rupees fifty thousand at the time of furnishing of bail bond in the court below and the rest amount shall be paid by him in equal instalments within a period of eight months.

Considering the attitude and fair approach of the parties, the petitioner, above named, in the event of arrest or surrender in the court below within four weeks from the date of receipt/production of a copy of this order and on his depositing Rs.50,000/- (Rupees fifty thousand) at the time of furnishing of bail bond, shall be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate,

Saran at Chapra in connection with Complaint Case No. 3277 of 2011 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973. Rest amount of Rs.1,50,000/- (rupees one lac fifty thousand) shall be paid thereafter in six equal instalments within a period of eight months from the date of his release. The amount deposited in the court below shall be by means of Bank draft drawn in favour of opposite party no. 2 and the court below shall release the same to him as and when the said amount are deposited.

If the petitioner pays the entire amount, as alleged, then opposite party no. 2 shall take appropriate steps for withdrawing the case filed by him under the N. I. Act, thus releasing the petitioner from allegation.

(Anjana Mishra, J)

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