

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21847 of 2015

Arising Out of PS.Case No. -81 Year- 2015 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Satya Narain Prasad Jaiswal @ Satya Narain Prasad Son of late Baiju Prasad
2. Vivek Anand @ Mikki son of Sri Satya Narain Prasad Jaiswal @ Satya Narain Prasad. Both resident of village- Chandmari, P.S- Motihari Town, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra

For the Opposite Party/s : Mr. Arun Kumar Singh 5 (App)

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 08-07-2015

Heard Mr. Verma for the petitioners and the APP for the State.

Petitioners herein are father and son. They apprehend their arrest in connection with Kalyanpur P.S. Case No. 81 of 2015 registered under sections 419, 420 and 406 IPC and 138 of N.I. Act.

It has been submitted that from bare perusal of the F.I.R., it would appear that the informant entered into an agreement with the Company and not with the petitioners inasmuch as the demand draft in the sum of Rs. 45,000/- was prepared and deposited in the name of the Company. Petitioner no. 2 is said to be the guarantor. The further allegation is that certain

amount was also taken by the accused persons from the informant. The rent for the land, for which agreement was made, was paid by the Company for few months and thereafter stopped. The allegation is that the petitioners cheated him and also taken a sum of Rs 25,000/-.

Contention of the petitioners is that the amount was paid to the Company and not to the petitioners and allegation of giving certain amount is incorrect. In fact, the petitioners had paid a sum of Rs. 15,000/- to the informant inasmuch an informatory petition was also lodged. It has been submitted that irrespective of the submission, the petitioner, in order to secure the privilege of anticipatory bail, will deposit certain amount without prejudice to their right and defence.

Considering the submission of the petitioners and the State, I am persuaded to grant the privilege of anticipatory bail to the petitioners. In the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in Kalyanpur P.S. Case No. 81 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with

the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(iii) Along with the bail bonds, the petitioners shall produce a demand draft/bank instrument in the sum of Rs. 15,000/- favouring the complainant and/or deposit the said amount in the Nazarat which will be withdrawn by the complainant on furnishing appropriate undertaking. It is made clear that the amount deposited by the petitioner shall be without prejudice to their right and defence in the case.

Pankaj/-

(Kishore Kumar Mandal, J)

U		T	
---	--	---	--