

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11319 of 2016

Arising Out of PS.Case No. -236 Year- 2014 Thana -JAKKANPUR District- PATNA

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1. Jai Shankar Kumar @ Bhola Jee @ Bhola Sah, S/o Sri Hira Sao, resident of Mohalla Kurthaul, P.S.- Parsa Bazar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar & ano.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Sharan

For the Opposite Party/s Mr. Nagendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

05 09.05.2016

Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State and learned counsel for opposite party no.2.

Petitioner is in jail custody since 24.6.2014 in a case registered under sections 406, 420 of the Indian Penal Code as well as section 138 of the N.I. Act.

The allegation against the petitioner is that he took huge amount from the informant to transfer some lands but he did not transfer the land in favour of the informant and subsequently, issued cheques, total amounting to Rs 08/- lakhs which was produced before the concerned bank but the same became dishonored.

At the very outset, learned counsel for the petitioner submits that petitioner is ready to return total amount of Rs 08/- lakhs to the informant in easy instalments without admitting the case of the informant. It is prayed that several persons lodged similar type of

cases against the petitioner and the petitioner has to pay some amounts to other persons also and, therefore, he is able to make payment to the informant in instalments for which this court may fix instalments of Rs 50,000/- (fifty thousand) per month.

Learned counsel appearing for the informant does not raise any objection in respect of the aforesaid proposal.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of period of detention of the petitioner in jail custody, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Smt. Sangita Rani, Judicial Magistrate, Ist Class, Patna in Jakkanpur P.S. Case no. 236/2014 subject to condition that the petitioner shall pay Rs 50,000/- (fifty thousand) within one month from the date of his release and after payment of first instalment, he shall pay rest amount in 16 instalments to the informant failing which learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

It is made clear that if the informant refuses to accept the aforesaid amount, the petitioner shall be at liberty to deposit the amount of instalment in the concerned court. It is also made clear that the amount, so deposited, shall be subject matter of final decision of the above said case.

Shahid

(Hemant Kumar Srivastava, J)

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