

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6598 of 2016

Arising Out of PS.Case No. -1360 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

Sanjay Kumar Gupta, S/o Late Baijnath Prasad, resident of Mohalla-Mithapur, Ramdas Path, B Area, P.S.-Jakkanpur, District- Patna and at present resident of Chandra Niwas, House of Chandeshwar Singh Kunwar, Sunder Bhawan Campur, Lal Gate, Kannu Lal Road, P.S.-Jakkanpur, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Yuvraj Rahul, S/o Shri Yugal Paswan, R/o Dujra Gandhi Murti, Budha Colony, P.S.- Budha Colony, District- Patna

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 26-04-2016 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 406, 420 of the Indian Penal Code, 138 of the Negotiable Instrument Act and 3(1) (x) of the S.C./S.T.(Prevention of Atrocities) Act.

The prosecution case is that the petitioner took the tractor of the complainant on a monthly rent of Rs. 12,000/- for doing the contract work of Municipal Corporation. The said tractor was used from 01.11.2012 to 25.07.2013, but monthly rent was not paid to the complainant. The total rent comes to

Rs. 90,000/-, out of which the petitioner paid Rs. 20,000/- cash and a cheque of Rs. 70,000/- which subsequently got bounced.

It is submitted by the learned counsel for the petitioner that petitioner is ready to make payment of Rs. 70,000/- in four monthly installments within a period of four months from today. Statement to that effect has been made in para-2 of the supplementary affidavit which reads as follows:-

“That the petitioner is ready to pay the outstanding dues of Rs. 70,000/- to the opposite party no. 2 within four months from May, 2016 in equally monthly installment.”

Learned counsel for the complainant is ready to accept the offer of the petitioner.

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for four months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Smt. Shefali Narayan, J.M., Ist Class, Patna, in connection with Complaint Case No. 1360C of 2015 subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The provisional bail of the petitioner

will be confirmed by the learned court below on payment of Rs. 70,000/- to the complainant through Bank Draft. The first installment will be paid to the complainant through Bank draft at the time of furnishing bail bonds. The learned court below will release the said Bank draft in favour of the complainant.

(Dinesh Kumar Singh, J)

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