

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16761 of 2016

Arising Out of PS.Case No. -20 Year- 2016 Thana -SHEOHAR District- SHEOHAR

1. Kailash Prasad, Son of Bharat Jiwan Prasad, Resident of Village - Turki Khararu P.S. - Minapur, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Suresh Garg, Son of Yogendra Garg, Resident of Village - Laxmipur, Ward No. 10 Nagar Panchayat Sheohar, P.S.- Sheohar, District - Sheohar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Dr. Kr. Uday Pratap Singh (App)

For the O.P. No.2 : Mr. Hans Lal Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 14-07-2016 Heard the parties.

This application, for grant of anticipatory bail, arises out of Sheohar P.S. Case No.20 of 2016, disclosing offences under Sections 406 and 420 of the Indian Penal Code.

Allegedly the informant had given to the petitioner a total sum of Rs.2,50,000/- out of which

Rs.2,00,000/- was given to him through a cheque. The said amount was given as a friendly loan. It is alleged that the petitioner refused to return the amount, so taken, and he had intention to cheat the informant from the very beginning.

Learned counsel for the petitioner has submitted that it is purely a civil dispute between the petitioner and the informant. She, however, submits that petitioner is ready to pay to the informant a sum of Rs.2,25,000/-, if reasonable time is given to him. It has also been submitted that the said amount shall be paid within a period of one month from today.

Learned counsel for the informant-opposite party No.2 has submitted that if the said amount is paid to the petitioner, he shall not pursue the criminal case any further and apply for compounding of the offence.

In view of the submissions, as above, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Sheohar,** in connection with **Sheohar P.S. Case No.20 of 2016,**

subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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