

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37295 of 2015

Arising Out of PS.Case No. -706 Year- 2008 Thana -PATNA COMPLAINT CASE District-
PATNA

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Jagarnath Prasad @ Vijay Kumar, Son of Raghunath Prasad, Resident of
Mohalla- Musallahpur Hatt, P.S.- Kadamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Uday Prakash, Son of Late Dashrath Prasad, Resident of Mohalla-
Kankarbagh, P.S.- Kankarbagh, District/Town- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. P.K. Chourasiya (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 17-02-2016

Heard learned counsels for the petitioner
and the State.

The petitioner has renewed his prayer for
anticipatory bail in a complaint case wherein processes have
been directed to be issued for the offences punishable under
Sections 419 and 420 of the Indian Penal Code.

The prosecution case is that the accused
persons including the petitioner took Rs..2,50,000/- on
21.08.2015 for executing the sale deed but neither the sale deed
was executed nor the money was returned. Subsequently a
cheque was issued which got bounced.



It is submitted by learned counsel for the petitioner that the cheque was issued by Dinanath Prasad. Earlier on submission of the petitioner that the petitioner is ready to deposit Rs.90,000/- before the learned court below which will be deposited in some fixed deposit scheme in connection with the present case which will be subject to the result of the present case. It is further submitted that the petitioner has not deposited the aforesaid amount in pursuance to the earlier order. It is further submitted that the petitioner has paid Rs.50,000/- to the complainant.

The earlier bail application of the petitioner was disposed of vide order dated 03.10.2013 passed in Cr. Misc. No. 34063 of 2013 whereas the petitioner has renewed his prayer for anticipatory bail on 15.08.2015 on the ground that the petitioner has settled the dispute outside of the court with the complainant, hence, he could not surrender.

This Court is not inclined to consider the prayer for anticipatory bail afresh in view of the fact that the petitioner was earlier granted anticipatory bail but failed to furnish bail bonds.

Let the order dated 03.10.2013 passed in Cr. Misc. No. 34063 of 2013 is rescinded.

Let the learned court below consider the prayer for regular bail of the petitioner keeping in view of the fact that the petitioner was granted anticipatory bail on certain undertaken condition, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 706C of 2008 pending in the court of learned Judicial Magistrate, Ist Class, Patna.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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