

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42725 of 2016

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Krishna Kumar, aged about 33 years, Son of Late Kameshwar Prasad, resident of Mohalla - Bakarganj, opposite Rupak Cinema Hall Gali, Beside Gate of Tulsi Das Badri Narayan Jewellers, P.O. Bankipore, P.S. Pirbahore, District - Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Kumar Abhishek, son of Laxmi Prasad, M/S Life Style, 1st Floor, N.P. Center, New Dak Banglow Road, Patna - 1, P.S. Kotwali, District - Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Mithilesh Kumar, Advocate
For the State : Md. Ansarul Haque, A.P.P.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 06-10-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered under Section 420 of the Indian Penal Code and Section 138 of the N.I. Act.

As per the allegation, petitioner has taken a loan of Rs.90,000/- from the complainant but failed to pay the loan amount within the stipulated time. On demand, he handed over a cheque bearing no.362881 of ICICI Bank dated 13.05.2013 of an amount of Rs.90,000/-, however, the aforesaid cheque could not be encashed due to insufficient fund in the account. Thereafter, legal notice was served on 01.08.2013 but he had neither replied

nor had he returned the money. Hence, complaint case has been filed.

At the time of hearing, learned counsel for the petitioner has given undertaking that the petitioner would pay back the entire amount within seven months.

In view of the aforesaid undertaking given by the petitioner, the above named petitioner is directed to be released on *provisional bail* for seven months, on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Smt. Ragini Kumari, J.M. 1st Class at Patna in connection with Complaint Case No.2820(C)/2013.

At the time of furnishing bail bond, the petitioner would be required to deposit Rs.20,000/- before the court below and, thereafter, he would be required to pay Rs.10,000/- every month for about seven months from the date of his release.

The complainant would be at liberty to withdraw the amount but it is made clear that such deposit by the petitioner and withdrawal by the complainant would be subject to the result of the concerned criminal case and also would be without prejudice to the stand which would be taken for his defence during the course of trial of the concerned case.

However, if the entire aforesaid amount is paid by the petitioner within the aforesaid stipulated time, the court below would make the provisional bail of the petitioner absolute.

(Dr. Ravi Ranjan, J)

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