

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.53063 of 2015**

Arising Out of PS.Case No. -138 Year- 2015 Thana -KESARIA District-  
EASTCHAMPARAN(MOTIHARI)

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1. Gopal Prasad Yadav, S/o Late Yogendra Prasad, Resident of Village-  
Sundrapur Pachchiyari, P.S.- Kesariya, District- East Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Hemant Kumar Singh S/o Ravindra Pratap Narayan Singh, vill-  
Tajpur, Patkhauliya, P.S. Kesarai, Dist. East Champaran.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ranjeet Kumar Singh

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

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR**  
**MANDAL**  
**ORAL ORDER**

3      25-01-2016                      Heard both sides.

Petitioner is facing prosecution under Sections 406,  
420, 467, 468, 388 and read with Section 138 of the Negotiable  
Instruments Act.

A sum of Rs. 1,50,000/- was advanced to the  
petitioner which was not being refunded. On insistence, it is  
alleged that a cheque of Rs. 1,50,000/- drawn in favour of the  
informant was given which, on presentation, was dishonoured.

It is submitted that the parties are on business terms.  
It was a matter of settlement of account. However, for obtaining  
the privilege of bail, the petitioner would be willing and ready to

deposit certain parts/portions of the amount without prejudice to his right and contention. In the present case, Mr. Verma, who represented the informant has only submitted that the allegation is against the petitioner of mis-appropriating the amount of the informant. He has, however, disputed the contention that the parties are on business terms.

Considering the submissions of the parties, particularly, the stand taken by the petitioner this Court is inclined to extend the privilege of anticipatory bail to the petitioner. Let the petitioner, named above, in the event of arrest or surrender in the Court below within a period of five weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1<sup>st</sup> Class, Motihari in connection with Kesaria P.S. case no. 138 of 2015, G.R. No. 2652 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

- 1) Along with the bail bond the petitioner shall produce demand draft or bank statement showing payment of Rs. 40,000/- (Forty Thousand) in favour of the informant. Such payment shall be without prejudice to his right and contention in the case.



- 2) One of the bailors shall be the own/close family members of the petitioner.
- 3) As soon as the charges are framed the petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

Shyam/-

**(Kishore Kumar Mandal, J)**

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