

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28583 of 2016

Arising Out of PS.Case No. -62 Year- 2016 Thana -KANTI District- MUZAFFARPUR

=====

1. Sarfaraj Alam Son of late Jalil Ansari Resident of Village- Mithan Sarai,
P.S Ahiyapur, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamala Kant Tiwary

For the Opposite Party/s : Mr. Shailendra Kumar -1

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 25.07.2016 Supplementary affidavit is filed on behalf of the petitioner.

Let it be kept on record.

Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State and also heard learned counsel
for the informant.

Petitioner seeks bail in a case registered under sections 420,
467, 468, 471 and 504 of the Indian Penal Code.

Petitioner happens to be own brother of the informant but
there is allegation against him that he took Rs 02/- lakhs from the
informant in the name of purchasing of some lands but subsequently,
he got registered sale deed of lands in his own name.

Submission on behalf of the petitioner is that without
admitting the prosecution case, petitioner is ready to return the amount
in question with an intent to resolve the dispute but being poor, he is
not in a position to give the aforesaid amount in one time and

therefore, it is prayed that the petitioner be permitted to deposit the said amount in instalment.

Learned counsel appearing for the informant does not raise any objection in respect of the above stated submission.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur in Kanti P.S. Case no. 62/2016 subject to condition that within one month from the date of his release, he shall deposit Rs 30,000/- (thirty thousand) before the court below and after first deposit, he shall deposit rest amount within six months in equal instalment, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioner after making proper and due enquiry. It is made clear that if informant makes prayer before the concerned court for accepting the amount in question, the concerned court shall release the deposited amount in favour of informant without any delay after taking proper receipt thereof. However, if informant refuses to receive the deposited amount, the concerned court shall deposit the aforesaid amount in a nationalized Bank and the aforesaid amount shall be subject to the outcome of the trial.

shahid

(Hemant Kumar Srivastava,J)

U		T	
---	--	---	--