

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25913 of 2016

Arising Out of PS.Case No. -405 Year- 2015 Thana -GOPALGANJ CITY District- GOPALGANJ

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1. Rajesh Kumar Yadav
2. Bachchalal Yadav@Bacchalal Chaudhary Both sons of late Chandrika Chaudhary Resident of Village- Turkaha Tola, PS Gopalganj, District Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 05-07-2016

Heard the counsel for the petitioners and the informant.

The petitioners are facing accusations in Gopalganj (Town) P.S. Case No. 405 of 2015, registered under Sections 420, 467, 468, 471, 120(B) of the Indian Penal Code and Section 138 of N.I. Act.

In substance, allegation is that as part of the consideration amount for sale of land, a cheque in the sum of Rs. 5 lacs was issued by petitioner no. 1, who got the sale deed executed in his favour as well as in favour of his brother (petitioner no. 2). The cheque bounced, it's alleged that the petitioners have misappropriated the amount and cheated him.

Diverse submissions have been made on behalf of the petitioners. It is stated that for securing the privilege of anticipatory bail, the petitioners would be ready and willing to

deposit part of the cheque amount as directed by this Court subject to the result of the case.

In the facts and circumstances of the case, let the petitioners above named, in the event of arrest/surrender within five weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of C.J.M. Gopalganj in Gopalganj (Town) P.S. Case No. 405 of 2015 subject to the condition as laid down under Section 438(2) of the code of Criminal Procedure with further condition that one of the bailors shall be his own/close family member. Along with the bail bonds, the petitioners must produce the documents showing payment of a sum of Rs. 3 lacs in favour of any of the two petitioners. Needless to observe that the payment so made by the petitioners shall not prejudice to his right and defence in the case and shall be subject to the result of the case.

Further, the petitioners shall appear in person on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.

(Kishore Kumar Mandal, J)

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