

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11442 of 2016

Arising Out of PS.Case No. -1869 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Jai Shankar Kumar, S/o Sri Hira Sao

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjiv Sharan

For the Opposite Party/s : Mr. Nagendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 28-03-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner is languishing in jail custody since 29-07-2014 in a complaint case bearing Complaint Case No. 1869(C) of 2013 in which, prima facie, a case u/S 420 of the Indian Penal Code and Section-138 of Negotiable Instruments Act was found.

The allegation against petitioner is that he took huge amount from the complainant to transfer some lands but he did not transfer the land in favour of the complainant and subsequently, issued two cheques, total amounting to Rs. 10,70,000/- which was produced before the concerned bank but the same became dishonoured.

At the very outset, learned counsel for petitioner submits that the petitioner is ready to return total amount of Rs.



10,70,000/- (ten lacs and seventy thousand only) to the complainant in easy installments without admitting the case of the complainant. It is prayed that several persons lodged similar type of cases against the petitioner and the petitioner has to pay some amounts to other persons also and, therefore, he is able to make payment to the complainant in installments for which, this court may fix installment of Rs. 50,000/- (fifty thousand) per month.

Learned counsel, appearing for the complainant does not raise any objection in respect of the aforesaid proposal.

Considering the aforesaid facts and circumstances as well as submission of the parties and also taking note of period of detention of the petitioner in jail custody, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Complaint Case No. 1869(C) of 2013 to the satisfaction of Smt. Sangita Rani, learned Judicial Magistrate-Ist Class, Patna subject to condition that the petitioner shall pay Rs. 50,000/- (fifty thousand) within one month from the date of his release and after payment of first installment, he shall pay rest amount in 21 installments to the complainant, failing which, learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

It is made clear that if, the complainant refuses to accept the aforesaid amount, the petitioner shall be at liberty to deposit the amount of installments in the concerned court. It is also made clear that the amount, so deposited, shall be subject matter of final decision of the above-said complaint case.

(Hemant Kumar Srivastava, J)

A.K.V./-

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