

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12732 of 2016**

Arising Out of PS.Case No. -342 Year- 2014 Thana -KANKARBAGH District- PATNA

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1. Jai Shankar Kumar @ Bhola Sah @ Bhola Jee aged about 45 years, S/o Sri Hira sao, resident of Mohalla- Kurthaul, P.S.- Parsa Bazar, District- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Sanjiv Sharan, Advocate  
For the State : Mr. Nagendra Prasad (APP)  
For the informant : Mr. Nand Kishore Prasad, Advocate

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**  
**ORAL ORDER**

2      30-03-2016                      Heard learned counsel for the petitioner, informant and learned Additional Public Prosecutor for the State.

The petitioner is said to have taken Rs. 8,25,000/- from the informant for execution of sale deed in respect of a piece of land but subsequently neither he returned the aforesaid amount nor executed the sale deed resulting into institution of the present case.

In course of hearing, a proposal on behalf of the petitioner is given that petitioner shall return the amount in question in installments if the petitioner is permitted to deposit Rs. 50,000/- as first installment and remaining amount in equal installments within a certain period of time. It is submitted on behalf of the petitioner that though the petitioner is not admitting

the case of informant but even then if this court permits him to deposit the amount in question in installments in such a manner, as stated above, the petitioner shall deposit the entire amount.

Learned counsel for the informant does not raise any objection in the aforesaid proposal but submits that before releasing the petitioner this court should ensure about the presence of the petitioner before the trial court because there is every possibility that after being released on bail the petitioner may abscond.

Considering the facts aforesaid and submission of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Suchitra Singh, learned Judicial Magistrate, 1<sup>st</sup> class, Patna in connection with Kankarbagh P.S. case No. 342 of 2014 subject to condition that one of the sureties must be father of the petitioner and further more the petitioner shall deposit Rs. 50,000/- as first installment in court below within one month from the date of his release and after that he shall deposit the rest amount in 17 months in equal installments. The court below shall hand over the deposited amount to the informant on the date of deposit and shall take receipt thereof. It is made clear that if the informant refused to

accept the aforesaid amount the said deposited amount shall be kept in a bank account and the said amount shall be subject to result of Kankarbagh P.S. case No. 342 of 2014. Further, it is made clear that if petitioner fails to comply with the aforesaid directions/ observations, the learned court below shall be at liberty to cancel the bail bonds of the petitioner.

**(Hemant Kumar Srivastava, J)**

BKS/-

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