

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10515 of 2016

Arising Out of PS.Case No. -610 Year- 2015 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

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1. Navin Kumar Son of Harinarayan Rai, Resident of Village- Dhurva
Math, Police Station Manuapul District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Sanjay Kr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 22-06-2016

The certified copy of the First Information Report of Bettiah Town Police Station Case No. 610 of 2015 has been filed on behalf of the petitioner, let the same be kept on record.

Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bettiah Town Police Station Case No. 610 of 2015, disclosing offences under Sections 406, 420 of the Indian Penal Code and Section 138 Negotiable Instruments Act.

It is alleged, *inter alia*, that the petitioner had taken certain amount from the informant on an assurance that he will transfer a piece of land in favour of the

informant. Later on, he refused to keep his promise. It is alleged that thereafter he issued a cheque worth Rs. 1,75,000/- in favour of the informant, which falls on the presentation in the bank for insufficiency of funds.

Learned Counsel for the petitioner has submitted that out of said Rs. 1,75,000/-, the petitioner had returned to the informant a sum of Rs. 95,000/-. He admits that a sum of Rs. 80,000/- is still payable to the informant in favour of the petitioner.

Learned Counsel appearing on behalf of the informant has opposed the prayer for anticipatory bail and has submitted that the amount of Rs. 95,000/-, which was given to the informant by the petitioner was subsequently returned by the informant to the petitioner. In support of this submission, he has placed reliance on the photocopy of an agreement, which has been brought on record by way of Annexure A to the affidavit filed on behalf of the informant.

Considering the nature of the dispute and submission that the petitioner is willing to return a sum of Rs. 80,000/- to the informant within a period of two weeks from today, this application is allowed.

Let the petitioner, Navin Kumar, in the event of his arrest or surrender before the Court below within six weeks, 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 the learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Town Police Station Case No. 610 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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