

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 22847 of 2016

Arising out of P.S. Case No. - 380 Year - 2014 Thana - KHAZANIHAT District - PURNIA

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Aaatish Kumar, Son of Sri Deven Srivastav, Resident at Near Gali Azad Hotel, Police Station - Shahayak, Katihar, District - Katihar.

Company Address:- Proprietor of Maa Kamakhya Enterprises, Situated at Mirchai Bari, near Gerabari Road, Police Station - Katihar Sahayak District - Katihar

.... Petitioner

Versus

1. The State of Bihar

2. Ritesh Kumar, Son of Ram Prasad Singh, Resident at Prabhat Colony, Near Dak Bangloe Chowk, Police Station - K. Hat, District - Purnea.
Company Address :- Proprietor of Omee Traders situated near Bhanu Travel Co. Office, N.H. - 31, B.P. Complex, Sharda Nagar, Police Station - K. Hat, District - Purnea

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Awadhesh Kumar Mishra, Advocate

For the Opposite Parties : Mr. Pramod Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 26-07-2016 Heard Shri Awadhesh Kumar Mishra, learned counsel appearing on behalf of the petitioner, Shri Pramod Kumar Pandey, learned Additional Public Prosecutor appearing on behalf of the State and Shri Tuhin Shankar, learned counsel appearing on behalf of the informant.

The petitioner apprehends his arrest in K. Hat P.S. Case No. 380 of 2014 registered for the offences punishable under Sections 406, 420 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

Learned counsel for the petitioner submits that admittedly, the petitioner issued two cheques of Rs.4,65,000/- but

the same was dishonoured. Petitioner is ready to pay Rs.4,65,000/- to the informant in instalment.

On the other hand, Shri Tuhin Shankar, the learned counsel for the informant submits that the petitioner took loan of Rs.10,00,000/- out of which Rs.6,60,000/- lying due against the petitioner. The two cheques of Rs.4,65,000/- was given which was dishonoured.

Considering the facts that the petitioner is ready to pay the amount of which cheques were issued i.e. Rs.4,65,000/- in two instalments within three months, the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged 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, Purnea in connection with K. Hat P.S. Case No. 380 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. The petitioner shall pay first instalment of Rs.2,30,000/- within one and half month and the rest amount of Rs.2,35,000/- shall be paid to the informant after one and half month thereafter. If the petitioner fails to repay the entire amount of Rs.4,65,000/- within

three months from today, the learned Court below shall,
immediately, cancel the bail bond of the petitioner.

(Prabhat Kumar Jha, J.)

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