

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41636 of 2016

Arising Out of PS.Case No. -312 Year- 2012 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

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1. Gholam Nayar @ Rajo @ Raju Son of Late Gholam Samdani Resident of
Mohalla - Raja Bazar, Samanpura, P.S. - Shastri Nagar, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Khatim Reza

For the informant : Mr. Shakil Ahmad Khan

For the Opposite Party/s : Mr. Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 29-09-2016 Heard learned Counsel for the petitioner, 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. 312 of
2012, disclosing offences under Sections 406 and 504 of
the Indian Penal Code.

It is alleged against the petitioner in the First
Information Report that he had taken from the informant a
sum of Rs. 1,42,000/- as a friendly loan, which he is not
returning and his motive to cheat the informant was from
the very beginning.

However, with the consent of the parties and



without going into the merits of said allegation made in the First Information Report, it is directed that the petitioner shall pay to the informant the entire amount of Rs. 1,42,000/- in 12 (twelve) months, beginning from November, 2016. The 11 (eleven) instalments, beginning from November, 2016, shall be of Rs. 12,000/- each and the rest of the amount, i.e., Rs. 8,000/- shall be paid in the month of October, 2017. The said instalments shall be paid in the first week of respective months.

It has been agreed that the amount shall be paid to the informant through bank drafts.

Learned Counsel for the parties have also very fairly agreed that on payment of the said amount, the petitioner may file an application for compounding of the offence, which shall not be resisted by the informant and the informant shall not put any further condition for compounding of the offence.

In the light of what has been recorded above, this application is allowed.

Let the petitioner, Gholam Nayar @ Raju @ Raju, 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

learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Town Police Station Case No. 312 of 2012, 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/-c

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