

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23046 of 2017

Arising Out of PS.Case No. -1747 Year- 2015 Thana -GAYA COMPLAINT CASE District- GAYA

1. Rahul Kumar Sinha, S/o Binod Kumar Sinha @ Binod Kumar Sinha,
R/o C/o Om Prakash (L.I.C. Agent) Koyeli Pokhar, Mohan Nagar, P.S.-
Rampur, Dist.- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Umesh Kumar Sinha, S/o Jwala Prasad, Chief Executive, Lal Bahadur
Shastri Bachat & Shakh Swawlambi Sahakari Sammittee, R/o MIG-83,
Chankaypuri, Housing Board Colony, P.O.- HPO, Gaya, P.S.- Rampur,
Dist.- Gaya.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 24-05-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Complaint
Case No.1747 (C) of 2015 instituted for the offence under
Section(s) 406 Indian Penal Code and Section 138 of Negotiable
Instruments Act.

It has been submitted on behalf of the petitioner that
he is ready to deposit the due amount to the complainant in three
equal installments.

As per the Complaint Petition, rupees thirty five
thousand was sanctioned to the petitioner for purchase of
LAPTOP. As per terms and conditions of the Samiti, the
petitioner had to deposit ₹1466/- (One thousand four hundred



sixty six) per month from October, 2014 to September, 2016. The petitioner deposited only two installments for the month of October and November, 2016, on 03.12.2014, and after that he did not deposit any installment. It is mentioned in para 6 of the Complaint Petition that after deducting the amount of two installments, as per the terms and conditions, the petitioner has to deposit ₹32,732/-.

Learned counsel for the Petitioner submits that he is ready to make payment of up to date dues to the complainant in three equal installments.

In such circumstances, the petitioner is directed to surrender before the ACJM IV, Gaya, in connection with Complaint Case No.1747-C of 2015, within a period of six weeks from today along with receipt showing payment of 1st installment of the due amount to the complainant-Samiti and, in that event, he will be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on



two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

The petitioner, thereafter, will make payment of the balance amount in two equal monthly installments by 15th of every month.

After producing valid receipts regarding payment of entire dues, provisional bail of the petitioner will be confirmed by the learned Court below.

It is made clear that if the petitioner does not surrender within the aforesaid period along with receipt showing payment of first installment to the complainant-Samiti or petitioner defaults in making payment of a single installment then the Court below will be at liberty to pass appropriate order in accordance with law including cancellation of bail of the petitioner.

The application is, accordingly, disposed off.

(Sanjay Priya, J)

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