

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35358 of 2017

Arising Out of PS.Case No. -616 Year- 2016 Thana -SHASTRINAGAR District- PATNA

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1. Ashok Kumar Jha, Son of Late Ram Narayan Jha,
2. Pashant Kumar Jha, Son of Ashok Kumar Jha, Both Resident of Sarowan
Yamuna Sada, Krishi Nagar, 90 feet Road, P.S. Shastri Nagar, District-
Patna.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar

For the Opposite Party/s : Mr. Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 16-10-2017 Heard learned counsel for the petitioners.

This is an application for bail in connection with Shashtri
Nagar P.S. Case No. 616 of 2016 registered for the offences
punishable under Sections 406, 420, 467, 468, 471, 341, 307, 379,
504, 506, 120B of the Indian Penal Code and 138 of NI Act.

Allegation against the petitioner No.1 is that he cheated
the informant by taking money from him on the pretext of
purchase of land in his favour and same allegation against
petitioner No.2 by taking amount from informant on the pretext of
purchase of ornaments and there are allegation against other
family members of the petitioners and altogether there is total
amount of misappropriation of Rs.40 lacs of the informant.

Submission of learned counsel for the petitioners is that
petitioners are ready to pay the admitted dues of Rs.20 lacs at
present and they are in custody since 21.3.2017 and further



submission is that informant is in habit of filing such type of cases against several persons.

Heard learned APP and learned counsel for the informant. Learned counsel for the informant has stated that there is an agreement between the parties to pay the misappropriated money with interest and in spite of that petitioners have not returned the money to the informant.

Having heard both sides and in view of the facts and circumstances, as stated above, this application is disposed of with a direction to the court below that if the petitioners deposit Rs.20 lacs though Bank Draft in favour of informant in two instalments, once first instalment of Rs.10 lacs is deposited by Bank Draft, the learned court below shall release the petitioners on provisional bail to its own satisfaction and once second instalment of Rs.10 lacs after two months of their release, the court below being satisfied with the same shall confirmed their bail bonds. It is needless to say that the amount so deposited, shall be released in favour of informant, which will be subject to the result of this case.

(Vinod Kumar Sinha, J)

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