

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9521 of 2017

Arising Out of PS.Case No. -3141 Year- 2007 Thana -PATNA COMPLAINT CASE District-
PATNA

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Ajay Kumar Singh, son of Sri Shatrudhan Singh, resident of Bibiganj Main Road, Police Station- Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Samir Kumar Sinha, son of Late P.K. Sinha, IPS, Resident of North Mandiri, Police Station- Buddha Colony, District- Patna, Bihar- 800001.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate.

For the Opposite Party/s : Mr. Iftekhar Mahmood, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 21-06-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint Case No. 3141(C) of 2007 instituted for the offence under Section 420 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

Learned counsel for the petitioner and learned counsel for the opposite party No. 2 are present in Court.

The petitioner has submitted that he will make payment of Rs.1,00,000/- by way of Demand Draft to the opposite party No. 2 within a period of one month and, thereafter, will make the payment of remaining amount of Rs.5,00,000/- in 18 equal installments. The counsel for the opposite party No. 2 has



agreed to the proposal given by the petitioner in the Court during hearing of the bail application.

As per complaint, the petitioner has given a Cheque of Rs.6,00,000/- to the complainant which got bounced.

Considering the facts and circumstances of the case, the petitioner is directed to surrender before the court of Shri Inam Khan, Judicial Magistrate, 1st Class, Patna, or his successor, within six weeks from today, along with receipt showing payment of Rs.1,00,000/- to the opposite party No. 2 by way of Demand Draft and in that event, the court below will grant provisional anticipatory bail to the petitioner on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Shri Inam Khan, learned Judicial Magistrate, 1st Class, Patna, or his successor, in connection with Complaint Case No. 3141(C) of 2007, subject to the conditions as laid down under Section 438 (2) Cr. P.C., with further conditions that bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

The petitioner will continue to make payment of remaining amount of Rs.5,00,000/- in 18 equal installments by 15th of every month by way of Demand Draft to the opposite party No. 2. The court below after payment of final instalment, will



confirm the provisional bail granted to the petitioner.

It is made clear that in the event the petitioner does not surrender before the court below along with receipt showing payment of Rs.1,00,000/- or petitioner makes default in making payment of single installment in terms of the order passed above, the court below will be at liberty to pass appropriate order in accordance with law including cancellation of bail bond of the petitioner. It will be open to the opposite party No. 2 to accept the Demand Draft in the Court if both the parties mutually agree for the same, otherwise the petitioner will deposit the amount of installment by Demand Draft in the name of opposite Party No. 2 in the Court itself by 15th of every month.

S.Ali/-

(Sanjay Priya, J)

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