

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10966 of 2017

Arising Out of PS.Case No. -237 Year- 2016 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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Ashok Kumar Kushwaha, son of Baldev Mahto @ Baldeo Prasad, Village-
Gora Katharia Tola, P.S.- Shanichari, District- West Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Sri Khurshid Anwar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 29-03-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner, apprehending his arrest in connection
with Jogapatti P.S. Case No. 237 of 2016 registered for the
offences punishable under Sections 406 and 420 of the Indian
Penal Code, seeks the privilege of pre-arrest bail.

Allegedly, the petitioner took Rs. 52,500/- and
documents for sanctioning mortgage loan from Central Bank
thereafter, neither the loan was sanctioned nor the petitioner
returned the said amount and original deed.

During course of argument, the learned counsel for
the petitioner submits that the petitioner is ready to deposit amount
of Rs. 52,500/- within three months. The petitioner to avoid
further complication is ready to settle the dispute and as such, the



petitioner deserves sympathetic consideration.

The learned counsel for the informant does not oppose the aforesaid submission and submits that if the petitioner deposits the cash amount of Rs. 52,500/- within three months then he may be directed to surrender in the court below and to seek regular bail.

In the facts and circumstances as stated above, the petitioner is directed to pay Rs. 52,500/- through bank draft in the name of the informant Suresh Prasad Gupta within three months and during that period the petitioner is directed to surrender in the court below then he shall be released on provisional anticipatory bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, West Champaran at Bettiah in connection with Jogapatti P.S. Case No. 237 of 2016, and after deposit of total amount of Rs. 52,500/- within three months the bail granted to the petitioner shall be confirmed by the learned court below itself and in case of failure the bail granted shall be deemed to be cancelled. The petitioner will hand over the draft of Rs. 52,500/- within three months to the informant.

Accordingly, this Criminal Miscellaneous is hereby disposed of. The informant will cooperate in compromising the



case accordingly, after receipt of the aforesaid amount. The original deed seized by the police will be handed over to the informant.

(Jitendra Mohan Sharma, J)

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