

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27382 of 2017

Arising Out of PS.Case No. -496 Year- 2016 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

- =====
1. Shrimati Asha Gupta @ Asha Devi, wife of Deolok Kumar Gupta @ Deolok Prasad Gupta,
 2. Deolok Kumar Gupta @ Deolok Prasad Gupta, son of Sukhi Sao,
 3. Rahul Kumar, son of Deolok Prasad Gupta @ Deolok Kumar Gupta, all resident of village- Banshipur (Banshipur Sumepur), Tola- Kalyanpur, Police Station- Karpi, District- Arwal, at present Mohalla- Ram Nagar, Ward No. 4, Police Station- Jehanabad, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rang Narh Sharma, son of late Chandrika Sharma, resident of village- Noawan, Police- Station- Shakurabad, District- Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP
Mr. Shivendra Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 19-07-2017

Heard learned counsel for the Petitioners and the State as well as counsel for the Opposite Party No.2.

The Petitioners apprehend their arrest in Complaint Case No.496 of 2016 instituted for the offence under Section(s) 420 and 406 Indian Penal Code and Section 138 of the Negotiable Instruments Act.

It has been submitted on behalf of the petitioners that they admit of receiving rupees three lacs from the complainant vide two cheques. He is ready to return the aforesaid amount. Their business could not run, therefore, they did not earn



any profit. They are ready to return the amount of rupees three lacs in three equal installments.

As per the Complaint Petition, the complainant gave total three lac rupees to the petitioners vide two cheques on 12.07.2014 and 23.07.2014.

In such circumstances, petitioners are directed to surrender before the Chief Judicial Magistrate, Jhanjharpur, Jehanabad, in connection with Complaint Case No.496 of 2016, within a period of four weeks from today along with receipt showing payment of first installment of rupees one lac to the complainant, and in that event, the Court below shall release the petitioners on provisional anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to its own satisfaction 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) petitioners 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 petitioners 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.

Thereafter, the petitioners will make payment of the remaining amount in two equal installments of rupees one lac each by 15th of every month. After full payment of the amount and on producing valid receipts before the Court below, the Court below will confirm the provisional bail of the petitioners.

It is made clear that in the event the petitioners do not surrender in the Court below showing payment of first installment of rupees one lac or commit default in making payment of single installment to the complainant, the Court below will be at liberty to pass appropriate order including cancellation of provisional bail of the petitioners.

The petitioners will co-operate in trial.

The application is, accordingly, disposed off.

(Sanjay Priya, J)

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