

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30707 of 2016

Arising out of PS.Case No. -35 Year- 2015 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

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Akash Jaiswal S/o Baidyanath Chaudhari R/o -At-Chowk Bazar, PO & PS-
Mehasi 845426, Dist: East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Dr. Abhay Kumar S/o Tarachandra Prasad, R/o village-Tajpur Bara,
P.O.-Kataha, P.S. Mehsi, District-East Champaran

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate
For the State : Mr. Parmeshwar Mehta, APP
For the O.P. No. 2 : Mr. Binaykant Mani Tripathi, Advocate
Ms. Ajita

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

6 10-02-2017 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in connection with
Mehasi P.S. Case No. 35 of 2015 registered under sections 406,
415 and 420/34 of the Indian Penal Code and Sections 138 and
142 of the Negotiable Instrument Act.

The allegation is that the petitioner approached the
complainant for financial help of Rs. five lacs with promise to
return back in five months and as security gave cheque of Rs. five
lakhs but when presented the cheque bounced.

It is submitted that in the counter affidavit filed by the
complainant, it is accepted that Rs. 2,18,000/- has been paid and
cheques were given as security as both sides also do business
together and there is dispute of accounting.



The learned counsel of the petitioner further submits that the petitioner is ready to pay the remaining amount in four instalments as a security to the complainant subject to the outcome of the case and the dispute is primarily of civil nature.

Having considered the said facts and circumstances, in the event of arrest/surrender within four weeks from the date of receipt of this order to the court concerned, let the petitioner, namely, Akash Jaiswal be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 6th, Motihari in connection with Mehasi P.S. Case No. 35 of 2015 (Trial No. 1791 of 2016), subject to the conditions as laid down under section 438(2) of the Cr.P.C. with condition that the petitioner will pay the first instalment of remaining amount by depositing a bank draft and remaining amounts in three successive months of equal amount of bank draft in favour of the complainant.

(Arun Kumar, J)

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