

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44187 of 2017

Arising Out of PS.Case No. -97 Year- 2017 Thana -BARHARA District- PURNIA

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Avinash Kumar Son of Late Gulab Ram, R/o Village- Kajha Kothi, P.S.- K. Nagar, District- Purnea.

.... Petitioner.

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-10-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Barhara P.S. Case No. 97 of 2017 instituted for the offence under Sections-409, 420 of the Indian Penal Code.

There is allegation in the written report that the petitioner being the Anchal Nazir did not hand over charge in spite of several reminders. It is alleged that he defalcated an amount of Rs. 10,86,176/-

Counsel for the petitioner has submitted that the petitioner is ready to deposit the entire amount as mentioned in the written report within a period of six month. It has further been submitted that an amount of Rs. 3,00,000/- (three lacs) will be deposited at the time of surrender and the rest amount will be deposited within a period of six months thereafter.

In view of such facts and circumstances, this application is disposed off with direction to the petitioner to surrender in the court below within four weeks from the date of receipt/production of the order showing the receipt of deposit of Rs. 3,00,000/- in the government treasury and, thereafter, the court below will grant provisional anticipatory bail to the



petitioner for a period of six months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Barhara P.S. Case No. 97 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Purnea subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner 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 petitioner 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.

It is made clear that after deposit of an amount of Rs. 3,00,000/- the rest amount must be deposited within six months.

The court below after being satisfied that the rest amount has been deposited by the petitioner; in that event, the provisional anticipatory bail granted to the petitioner will be confirmed by the court below after six months.

(Sanjay Priya, J)

A.K.V./-

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