

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31341 of 2017

Arising Out of PS.Case No. -150 Year- 2017 Thana -BUDDHACOLONY District- PATNA

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1. MD. ISLAM Son of Late Bazar Mian, Resident of Mohalla- Mainpura,
Police Station- Patliputra, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 13-07-2017

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Budha Colony P.S. Case No. 150 of 2017 registered for the offences under Sections 420, 406 and 506/34 of the Indian Penal Code.

From perusal of the FIR, it appears that petitioner has duped the informant and took Rs 2 lacs from him on the pretext of giving some land but the petitioner has not given the land to the informant for which he gave Rs 2 lacs to the petitioner. In sum and substance the allegation against the petitioner is of cheating.

Counsel for the petitioner submits that the petitioner is ready to return Rs 2 lacs to the informant in installment if fixed by the Court. He has referred to the order of the court below to



suggest that in the Court below the informant was noticed but notice could not be served upon him as the informant is not residing on the address disclosed in the FIR.

Considering the peculiar facts and circumstances of the case and also the background of the present FIR, I am inclined to enlarge the petitioner on bail, in the event of his arrest/surrender within four weeks from today, on furnishing bail bound of Rs 10,000(Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt Reeta Kumari, J.M. 1st Class Patna in connection with Budha Colony P.S. Case No. 150 of 2017, subject to the condition that the petitioner will deposit Rs 2 lacs in 8 equal monthly installments, the first installment shall be deposited by the petitioner before his surrender and thereafter the remaining amount shall be paid in equal monthly installments as indicated above and further subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Anil Kumar Upadhyay, J)

S.Pandey/-

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