

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50593 of 2017

Arising Out of PS.Case No. -15 Year- 2017 Thana -PARIHAR District- SITAMARHI

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Ashok Dwivedi, S/o Ram Ekbal Dwivedi, R/o Village – Dharharwa, P.S.
Parihar, District Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Dinesh Jha, Advocate.

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 17-10-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is seeking anticipatory bail in connection with Trial No. 2485/2017, arising out of Parihar P.S. Case No. 15/2017 registered for offences punishable under Sections 323, 406, 420 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that the whole allegation of the informant is that despite having received a sum of Rs. 4,57,000/- the petitioner has neither executed the sale deed nor has refunded the amount and thereby he has misappropriated the money received from the informant.

Learned counsel for the petitioner, at the outset,



submits that this petitioner is ready and willing to pay the entire amount of Rs. 4,57,000/- which was fixed by the Panchayat but he has some difficulty in refunding the entire amount in one go, therefore, the petitioner may be allowed to pay 50% of the total amount within a period of four weeks from today and thereafter the petitioner shall pay the balance amount within next two months. Learned counsel on instruction undertakes that the amount shall be paid to the informant as promised here-in-above.

Learned A.P.P. for the State submits that the petitioner has in fact duped the informant by retaining the entire amount of Rs. 4,57,000/- even after promising returning of the same in the Panchayat.

Considering the submissions, particularly the promise and the undertaking being given by the petitioner through his learned advocate, this Court is inclined to grant anticipatory bail to the petitioner provided he shows his *bona fide* by paying 50% of the total amount (i.e., Rs. 2,29,000/- approximately) to the informant within a period of four weeks from today. After paying the said amount, the petitioner, if arrested or surrenders in the court below within six weeks from today, shall be released on bail on his furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of Sri



Jitesh Kumar, A.C.J.M. VI, Sitamarhi in Trial No. 2485/2017, arising out of Parihar P.S. Case No. 15/2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner shall in terms of his own undertaking pay the balance amount to the informant within two months from the date of the first payment, failing which the informant shall be at liberty to move the court below for cancellation of bail of the petitioner. Failure to pay the balance amount shall be taken as a breach of the undertaking given by the petitioner before this Court.

The application is allowed.

(Rajeev Ranjan Prasad, J)

Dilip, AR

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