

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41295 of 2017

Arising Out of PS.Case No. -328 Year- 2016 Thana -DEHRI TOWN District- SASARAM
(ROHTAS)

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Jitendra Kumar, Son of Ram Pravesh Singh, Resident of Village and P.O.
Manikpur, P.S. - Indrapuri, Distt. - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 11-09-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Dehri (T) P.S. Case
No. 328 of 2016 instituted for the offence under Sections 420 and 406
of the Indian Penal Code.

There is allegation in the written report that total
Rs.2,50,000/- was given by the informant to the petitioner with regard
to purchase of plot as mentioned in the written report, but the sale deed
could not be executed for some reason or other. Thereafter, the
petitioner returned Rs.50,000/- and for the rest amount of Rs.2,00,000/-
, the petitioner had given a cheque which bounced.

Learned counsel for the petitioner has submitted that he is
ready to return the remaining amount in eight equal installments.

In such circumstances, the application is disposed off
with a direction to the petitioner to surrender in the court below along



with receipt showing payment of Rs.25,000/- to the complainant within four weeks from the date of receipt of this order as 1st installment and the court below on being satisfied that petitioner has made payment of 1st installment of Rs.25,000/- to the informant, shall enlarge the petitioner on provisional anticipatory bail in the event of surrender/arrest of the petitioner, named above, in connection with Dehri (T) P.S. Case No. 328 of 2016, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Dehri, 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) 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.

The petitioner is directed to deposit remaining amount in seven equal installments of Rs.25,000/- each. The installment will be payable by 15th of every month and after making full payment of the amount of Rs.2,00,000/- and furnishing proper proof of making full payment of amount of Rs.2,00,000/- to the informant, the provisional bail granted to the petitioner will be confirmed by the court below.



The aforesaid payment made by the petitioner to the informant will be subject to final decision of the case.

It is made clear that in the event the petitioner does not surrender before the court below with receipt showing payment of 1st installment of Rs.25,000/- within a period of four weeks from the date of receipt of this order or the petitioner commits default in making payment of single installment, the court below will be at liberty to pass appropriate order including cancellation of provisional bail granted to the petitioner.

The informant will give his account number to the petitioner for crediting the amount directly in his account if he so desires, otherwise the petitioner will make payment of the amount of installment to the informant by Demand Draft.

S.Ali/-

(Sanjay Priya, J)

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