

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44098 of 2017

Arising Out of PS.Case No. -727 Year- 2017 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Krishna Kant Dubey Son of Late Yamuna Dubey, Resident of Village-
Bankatwa, PS-Paharpur, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pawan Kumar Debey Son of Nageshwar Dubey, Resident of Village-
Bankatwa, PS-Paharpur, District-East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 21-09-2017 Heard the learned counsel for the petitioner, the

learned A.P.P. for the state as also the learned counsel for the

complainant.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with Complaint Case No. C-
727 of 2017/ Trial No. 1059 of 2017 for the offences punishable
under section 420 of the I.P.C and section 138 of the N.I. Act.

Allegedly, the petitioner took Rs. 2,00,000/- from the
complainant to give installment of truck with assurance that he



will return the money within one year, but thereafter the petitioner did not return the amount and gave a cheque of Rs. 2,00,000/- which was bounced due to insufficient money in the account.

Submission is that the petitioner is ready to return the amount in installment of Rs. 25,000/- per month as due to paucity of fund the amount was not returned earlier and as such now the petitioner deserves sympathetic consideration as no fruitful purpose is going to be served by sending the petitioner in jail.

The learned counsel for the complainant fairly submits that if the petitioner is ready to deposit Rs. 25,000/- per month then he should be allowed provisional bail and after payment of Rs. 2,00,000/- the bail should be confirmed.

In the facts and circumstances stated above, the petitioner is directed to pay Rs. 2,00,000/- in monthly installments of Rs. 25,000/- per month and after deposit of Rs. 25,000/- in the account of the complainant, the petitioner shall be allowed provisional bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each in connection with the aforementioned case to the satisfaction of Sri T.K.Prasad, J.M. 1st Class, Sadar at Motihari (East Champaran) and after deposit of last installment, i.e. total Rs.2,00,000/- the provisional bail granted to the petitioner shall be confirmed by the learned



court below itself and if the amount is not paid as per direction given above, the bail granted to the petitioner shall be deemed to be cancelled.

With the aforesaid observation this Criminal Miscellaneous is disposed of.

(Jitendra Mohan Sharma, J)

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