

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49434 of 2017

Arising Out of PS.Case No. -11 Year- 2016 Thana -DORIGANJ District- SARAN

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1. Jai Narayan Singh S/o Late Om Narayan Singh, R/o Village- Rasalpura,
P.S.- Doriganj, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Salauddin, S/o Abdul Latif, R/o Village- Dharampura, P.S.-
Doriganj, District- Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ajay Kumar Tiwari

For the Opposite Party : Mr. Sri Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 10-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Doriganj P.S. Case No.
11 of 2016 instituted for the offence under Sections-420, 406, 467, 468
and 471 of the Indian Penal Code.

As per written report, it is alleged that the informant paid
Rs. 50,000/- on 02-05-2014 to the petitioner through SBI bank and on
10-05-2014, Rs. 1,00,000/ was transferred by Md. Nayeem to the
petitioner and further a cheque of Rs. 60,000/- of SBI was given to the
mediator Md. Harif for payment of petitioner and on 10-06-2014, Rs.
1,50,000/- was given to the petitioner whereupon, on 28-06-2014, an
agreement for the receipt of Rs. 3,50,000/- was made for the purchase
of sale of the land in question.

The petitioner neither executed the sale deed nor returned



the amount.

Counsel for the petitioner has submitted that he is ready to deposit the admitted dues, which was paid in the account of the petitioner i.e. Rs. 2,10,000/- in installment subject to final decision of the case in five installments.

In such circumstances, in the event, the petitioner surrenders in the court below within a period of six weeks from the date of receipt/production of the order with valid receipt showing payment of an amount of Rs. 40,000/- as first installment by demand draft in the name of the complainant and after submitting the valid receipt of making payment of Rs. 40,000/- to the complainant by demand draft in that event, the petitioner will be released on anticipatory bail in Doriganj P.S. Case No. 11 of 2016 to the satisfaction of learned ACJM-VII/concerned court, Saran at Chapra and thereafter, the petitioner will make payment of remaining amount of Rs. 1,70,000/- to the complainant in four equal installments by 15th of every month by demand draft and after making full payment of Rs. 2,10,000/- which is admitted dues and on production of valid receipt and the court on being satisfied about such payment to the complainant the provisional anticipatory bail granted to the petitioner will be confirmed.

It is made clear that in the event, the petitioner does not surrender with valid receipt showing the payment of first installment of amount or petitioner makes default in payment of single installment as ordered above, the court below will be at liberty to pass appropriate



order in accordance with law including cancellation of provisional bail,
granted to the petitioner.

The aforesaid payment will be subject to final decision of
the case.

(Sanjay Priya, J)

A.K.V./-

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