

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51406 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

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Birendra Kumar S/o Gaurishankar Prasad R/o Mohalla Ganj No. 2
Goldarpatti Bettiah P.S. Bettiah Town District West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Jha, Advocate
For the State : Mr. Dr. Rabindra Kumar, APP
For the Informant : Mr. Ram Daya Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 25-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

This is an application for grant of bail for offences
punishable under Sections 406 and 420 of the Indian Penal Code.

It is alleged in the written report that informant had
given Rs.5 lacs to the petitioner for doing business and in this
regard an agreement was made in non-judicial paper. Petitioner
gave post dated cheques to informant. When money was not
returned by petitioner, informant deposited those cheques in the
bank and the same bounced.

During the course of argument learned counsel for
the petitioner has stated that as per loan amount, Rs.2,80,000/-
was given to him by informant and he has stated that he will
deposit the aforesaid amount to the informant and remaining
amount to be paid to him subject to final disposal of the case. He
has further stated that he will pay informant Rs.1,00,000/- through
Demand Draft at the time of release and the remaining amount of



Rs. 1,80,000/- will be paid within a period of three months.

In such circumstances, petitioner is directed to be released on provisional bail for a period of three months, on payment of Rs.1 lac through Demand Draft in favour of the informant by petitioner at the time of release, on furnishing bond of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran, in connection with Bettiah Town P.S. Case no. 50 of 2016.

However, petitioner is directed to make payment of the remaining amount of Rs.1,80,000/- to informant within a period of three months from the date of release. It is made clear that after making payment of Rs.1,80,000/- to informant, the court below shall confirm the provisional bail granted to petitioner to his satisfaction. If petitioner does not make payment of the remaining amount of Rs.1,80,000/- to the informant after his release, provisional bail granted to the petitioner shall be cancelled and he will be taken into custody.

(Sanjay Priya, J)

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