

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50975 of 2017

Arising Out of PS.Case No. -1793 Year- 2016 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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1. Sunil Kumar Mishra S/o Dayanand Mishra R/o Village - Shahpur, P.S. Bibhutipur, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Satish Kumar Pandey S/o Shri Kamlesh Kumar Pandey R/v Haspurba, P.S. Haris Nagar, District Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Namrata Mishra

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 03-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Complaint Case No. 1793 of 2016 instituted for the offence under Sections-406, 420, 506 of the Indian Penal Code and 138 of Negotiable Instrument Act.

It has been submitted that the petitioner is ready to pay the amount of Rs. 1,70,000/- by demand draft to the complainant.

In the complaint petition, it is alleged that the petitioner issued a cheque of Rs. 1,70,000/- in favour of the complainant, which bounced when the same was presented in the bank.

Counsel for the petitioner has submitted that the petitioner is at present suffering from serious disease and therefore, he may be directed to make payment of amount to the complainant in installments.

In such circumstances, the petitioner named above is directed to surrender in the court below along with receipt showing payment of Rs. 30,000/- to the complainant by demand draft within six



weeks from the date of receipt of this order and in that event, the concerned court will grant provisional anticipatory bail to the petitioner in connection with Complaint Case No. 1793 of 2016 subject to condition as laid down u/S 438(2) of the 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 and thereafter, the petitioner will make payment of remaining dues in 10 equal installments to the complainant by demand draft by 15th of each month. After payment of full and final installment, the court below will confirm the provisional anticipatory bail, so granted to the petitioner.

It is made clear that in the event, the petitioner does not surrender with valid receipt showing payment of Rs. 30,000/- to the informant or make default in making payment of single installment as stated 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.

Accordingly, this Cr. Misc. Application is disposed off.

(Sanjay Priya, J)

A.K.V./-

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