

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45342 of 2016

Arising Out of PS.Case No. -216 Year- 2013 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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1. Jawahir Singh,@ Jawahar Singh Son of Late Chetharu Singh, resident of Village- G.T. Road Mohania, Near Police Station, P.S.- Mohania, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Deo Narain Prasad, Late Ram Lakhan Sah, Bari Bazar, Mohania, P.S. Mohania, District- Kaimur at Bhabua.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar
Mr. Lal Bahadur Pandey
For the Opposite Party/s : Mr. Abhay Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 01-03-2017 The petitioner is apprehending his arrest in connection with Complaint Case No. 216 of 2016, registered for offences punishable under Sections 420 and 406 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

It appears from perusal of the record that earlier notice was issued to opposite party no. 2 by registered as well as ordinary process, service report of the ordinary process is available at Flag –‘A’ that the same has been received by the opposite party no. 2, however there is no signature of opposite party no. 2. Further the service report of registered cover shows that the same has been received by the said opposite party no. 2, however none has



appeared on behalf of opposite party no. 2.

It has been submitted on behalf of the petitioner that no amount has been mentioned in the complaint petition but later on it is alleged that the petitioner has taken Rs. 8,21,000/- from complainant and the cheque given to the complainant with respect to the above amount issued by the petitioner bounced. It has further been submitted that as per petitioner only Rs. 4,00,000 lakh is due to the petitioner and he is ready to pay the same in four equal installments.

Heard learned A.P.P.

Having heard both sides, considering the submissions of learned counsel for the petitioner that he is ready to pay the amount of Rs. 4,00,000/- to the complainant, he is directed to surrender before the court below with a Demand Draft of Rs. 1,00,000/- drawn in favour of the complainant and the court below after verifying the said demand draft shall enlarge the petitioner on provisional bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Kaimur at Bhabhua in connection with Complaint Case No. 216 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is made clear that petitioner will have to deposit the



remaining amount of Rs. 3,00,000/- lakh as admitted by him before the Court below in three equal installment in the first week of every month, which will start from next month of grant of provisional bail, by way of demand draft drawn in favour of the complainant and on default of submission of bank draft in any month, the bail bonds of the petitioner shall be liable to be cancelled and once the above-stated amount of Rs. 4,00,000/- is paid within the period specified above, the provisional bail of the petitioner shall be confirmed.

Deposit of above stated amount of Rs. 4,00,000/- lakh shall be condition precedent for release on bail. The same shall not prejudice the case of the informant.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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