

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21519 of 2017

Arising Out of PS.Case No. -40 Year- 2016 Thana -AANTI District- GAYA

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1. SHRI NANDJEE PRASAD @ NANDJEE PRASAD, son of Sri Sampat Prasad, resident of Village- Sikraul, P.S.- Sikraul, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj

For the Opposite Party/s : Mr. Sri Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 10-05-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Aanti P.S. Case No. 40 of 2016 instituted for the offence under Sections 406, 420, 409 of the Indian Penal Code.

This second anticipatory bail petition on behalf of the petitioner has been filed on the ground that now he is ready to deposit the amount as shown to be misappropriated in the written report. It has been submitted that by subsequent order of this court, on the same ground, one of the accused namely Baby Kumari has been granted provisional anticipatory bail by this court vide order dated 28-03-2017 passed in Cr. Misc. No. 6057 of 2017.

It is submitted on behalf of petitioner that he is also ready to make payment of the amount of his share in five equal installments.

In such circumstances, without entering into merit of the case, in terms of the order passed in Cr. Misc. No. 6057 of 2017 by which, one of the co-accused has been granted provisional anticipatory bail by this court, this petition is disposed off with direction to the



petitioner to surrender in the court below within four weeks from today and in the event, the petitioner surrenders in the court below within four weeks from today in connection with Aanti P.S. Case No. 40 of 2016 along with receipt of payment of first installment, he shall be released on provisional anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya subject to conditions as laid down u/S 438(2) of the Cr.p.C.

The petitioner will continue to make payment of remaining four installments by 15th of every month and will produce valid receipt before the court below, in favour of making payment of entire amount and on production of “No Dues” with respect to the petitioner, provisional bail granted to the petitioner will be confirmed by the court below.

It is made clear that in the event the petitioner does not surrender with receipt showing the payment of first installment or the petitioner makes default in making payment of single installment as ordered above, the court below will not release the petitioner on anticipatory bail in the event of making default in payment of installment shall cancel the provisional bail of the petitioner.

(Sanjay Priya, J)

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