

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14468 of 2017

Arising Out of PS.Case No. -156 Year- 2016 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

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Sunil Kumar Singh, Son of Jagarnath Singh, resident of village -
Makhadumpur, Police Station Goraul, in the district of Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Sri Amrendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 28-03-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in
Bhagwanpur P.S. Case No. 156 of 2016 instituted for the offence
under Section(s) 420, 406, 120B of the Indian Penal Code.

It is alleged that informant has given Rs.
5,00,000/- to the petitioner in two installments for the purchase of
land but after taking the money, the petitioner did not execute the
sale deed. Thereafter, on repeated demand, the petitioner issued
two cheques for total amount of Rs. 1,70,000/- which was
deposited by the informant in her account but the same got
bounced with endorsement 'insufficient fund'.

It has been submitted on behalf of the petitioner



that the cheque book was stolen and he has not taken any money from the informant.

Learned Sessions Judge has mentioned in the impugned order that for verification of such statement, he has called for the pass book and cheques issued to the informant and from perusal of both, learned Sessions Judge has found that aforesaid cheques have been used by the petitioner.

It has further been submitted on behalf of the petitioner that petitioner is ready to return the amount of Rs. 1,70,000/- which is the amount of cheques which got bounced.

In such circumstances, the petitioner is directed to make payment of Rs. 1,70,000/- to the informant in five equal installments.

The petitioner is directed to surrender within six weeks from today in connection with Bhagwanpur P.S. Case No. 156 of 2016 along with receipt of payment of first installment and in that event he will be released on provisional bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur and petitioner will continue to make payment of remaining installments by 15th of every month and will produce the receipt before the court below. After making payment



of entire installments and on production of 'No Dues' with respect to the amount due to the informant, the provisional bail of the petitioner will be confirmed by the Court below.

In the event the petitioner does not surrender with the receipt, as ordered above, or the petitioner makes default in payment of single installment, the Court below will be at liberty to pass appropriate order in accordance with law including cancellation of provisional bail granted to the petitioner.

It is made clear that payments made by the petitioner shall be subject to final decision of the case.

(Sanjay Priya, J)

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