

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69 of 2017

Arising Out of PS.Case No. -415 Year- 2015 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Shailesh Kumar Yadav @ Shailesh Kumar, son of late Dinesh Yadav, resident of Village- Nayatola Bairiya, P.S.- Nathnagar, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Akthar Alam, son of late Md. Kalimuddin Ahmad, resident of Mohalla- Jabbarchak, P.S.- Tatarpur, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party No.1: Mr. Rana Randhir Singh, APP

For the Opposite Party No.2: Mr. Saroj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 23-02-2017

Heard learned counsel for the Petitioner and the

State as well as counsel for the Opposite Party No2.

The Petitioner apprehends his arrest in Complaint Case No.415 of 2015 instituted for the offence under Section(s) 138 of the Negotiable Instrument Act.

It has been mentioned in the impugned order itself that the petitioner showed his willingness to settle the dispute with complainant but when the complainant appeared the petitioner has changed the version.

During course of argument, it has been submitted by the counsel for the petitioner that he is ready to make payment of all the six cheques issued by him vide Anenxure-3 totaling



₹4,00,000/- in eight equal installments, but seeks sometime to make payment to the complainant subject to final decision in the case before the Trial Court.

In such circumstances, this anticipatory bail application is disposed off with direction to the petitioner to surrender before the Additional Chief Judicial Magistrate, IX, Bhagalpur, within a period of six weeks in connection with Complaint Case No.415 of 2015, with an Affidavit that he is ready to make payment of Rs.4,00,000/- in eight equal installments and in the event the petitioner surrenders with receipt showing payment of first installment and the Court below is satisfied that the petitioner is ready to return the amount, the Court below will release the petitioner on provisional bail to his own satisfaction and will fix the period during which the amount will be paid by the petitioner to the complainant in installments. The provisional bail of the petitioner will be confirmed by the Court below in the event the petitioner makes payment of entire amount in eight installments.

It is made clear that in the event the petitioner does not surrender with the Affidavit and the receipt showing payment of 1st installment i.e. ₹50,000/-, within the period, as ordered above, or the petitioner defaults in making payment of a single



installment, the Court below will at liberty to pass appropriate order in accordance with law including cancellation of provisional bail of the petitioner without taking into consideration the observations made above by this Court.

The payment of the amount by the petitioner to the complainant will be subject to final decision of the case.

The application stands disposed off.

(Sanjay Priya, J)

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