

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11665 of 2017

Arising Out of PS.Case No. -356 Year- 2015 Thana -KAJI MUHAMMADPUR District-
MUZAFFARPUR

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Niraj Kumar Upadhaya, S/o Bhagwan Upadhyay, Resident of Village-
Gannipur, P.S. Kaji Mohammadpur, District Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Branch Manager, Indian Overseas Bank, Daya Complex, 1st Floor,
Kalambagh Road, Aghoria Bazar Chowk, Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.II, Advocate.

For the State : Mr. Gauri Shankar Gupta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 10-04-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Kajimohammadpur
P.S. Case No. 356 of 2015, G.R. No. 3988 of 2015 instituted for the
offence under Sections 420 and 406 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that he is
ready to make payment of total dues amount of bank amounting to
Rs.12,15,815/- in six equal installments.

The counsel for the Bank has stated that in that event he
will not oppose the prayer for anticipatory bail.

In such circumstances, petitioner is directed to surrender
before the court below within a period of four weeks along with receipt
showing payment of 1st installment of the amount and on producing the
valid receipt of the bank showing the 1st payment of installment of loan



amount, petitioner will be enlarged on provisional anticipatory bail for a period of six months by the court below i.e. Additional Chief Judicial Magistrate, Muzaffarpur, on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each in terms of provisions of Section 438(2) Cr. P.C. and, thereafter, the petitioner will deposit the remaining amount in five equal installments by 15th of every month, and after making full and final payment of total dues amount of the bank and on production of valid receipt of full and final payment of the amount, the provisional bail of the petitioner shall be confirmed by the court below after six months.

It is made clear that in the event petitioner does not surrender with receipt showing payment of first installment or 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 has been submitted on behalf of petitioner that he has Fixed Deposit in the Bank as a guarantee to the loan. It will be open to the bank to adjust the aforesaid amount with consent of petitioner towards final payment of loan amount.

The application is accordingly disposed off.

(Sanjay Priya, J)

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