

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16074 of 2017

Arising Out of PS.Case No. -110 Year- 2016 Thana -LAKHNAUR District- MADHUBANI

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1. Asha Devi, wife of Lakshman Poddar, resident of village- Pastan, Navtoli, P.S.- Andhratharhi, District- Madhubani, presently resident of Village- Jay Matadi Enterprises, Behat North, Near Dr. G. K. Mishra and D.A.V. School P.S.- Lakhnour(R.S.O.P.) , District- Madhuani.

.... Petitioner/s

Versus

1. The State of Bihar
2. Lalan Jha, son of late Mahendra Jha, resident of village- Navtoli, P.S.- Lakhnour, District- Madhubani.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

Mr. Manish Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 19-07-2017

Heard learned counsel for the Petitioner and the

State as well as counsel for the Opposite Party No.2.

The Petitioner apprehends her arrest in Lakhnour (RS OP) P.S. Case No.110 of 2016 instituted for the offence under Section(s) 342, 323, 384, 504/34 Indian Penal Code and Section 138 of the Negotiable Instruments Act.

Allegation against the petitioner is that she issued cheques of rupees two lac in favour of the informant which bounced.

Counsel for the petitioner has submitted that she is ready to make payment of the amount of cheque in four equal installments to the informant, which will be subject to final



decision of the case.

In such circumstances, petitioner is directed to surrender before the Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani, in connection with Lakhnour (RS OP) P.S. Case No.110 of 2016 within a period of four weeks from today along with receipt showing payment of first installment of rupees fifty thousand to the informant, and in that event, the Court below shall release the petitioner on provisional anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to its own satisfaction subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

Thereafter, the petitioner will make payment of the remaining amount in three equal installments by 15th of every



month. After full payment of the amount and on producing valid receipts before the Court below, the Court below will confirm the provisional bail of the petitioner.

It is made clear that if the petitioner does not surrender in the Court below showing payment of first installment of rupees fifty thousand or defaults in making payment of a single installment to the informant, the Court below will be at liberty to pass appropriate order including cancellation of provisional bail of the petitioner.

The application is, accordingly, disposed off.

(Sanjay Priya, J)

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