

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.11966 of 2017**

Arising Out of PS. Case No.-117 Year-2016 Thana- PAKRIDAYAL District- East Champaran

Prem Shankar Paswan, Son of Rajendra Paswan, Resident of Village-  
Pakridayal, P.S.- Pakridayal, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Smt. Anusuiya Jaiswal

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

6      18-10-2017      Heard Mr. Ansul, learned counsel for the petitioner, Mr. Pramod Kumar Pandey, learned counsel for the informant and Mr. J.N. Thakur, learned APP.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 420, 406, 467, 468, 471 and 506 of the Indian Penal code.

The prosecution case is that the petitioner persuaded the informant to become partner in a petroleum dealership and consequently the informant's wife namely Nilam Devi executed sale deed with regard to 2 katha 15 dhurs of land in favour of the petitioner without taking any consideration money. Thereafter, the informant paid Rs. 5,34,000/- through transfer made in the account of the petitioner and consequently on the direction of the petitioner, the informant also made payment of



Rs. 7,38,102/- and Rs. 6,84,060/- to the two partners of the petitioner namely, Manish Yadav and Anil Kumar Alankar, hence the informant altogether paid Rs. 26,45,162/- to the informant for becoming partner in the petroleum dealership, but neither the informant was made partner, nor the money was returned.

It appears from the earlier order dated 18.09.2017 passed by a Bench of this Court that the issue boiled down to the extent that the petitioner is ready to make payment of admitted dues of Rs. 5,34,000/- which was received through cheque.

Learned counsel for the petitioner submits that he is ready to make payment of the said amount in four monthly equal installments.

Learned counsel for the informant submits that though the informant is ready to accept the offer of the petitioner, but he is apprehensive due to past conduct of the petitioner as he made such undertaking earlier also.

Considering the rival submission of the parties, let the above named petitioner be released on provisional anticipatory bail for five months, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two



sureties of like amount each to the satisfaction of learned CJM, East Champaran at Motihari in connection with Pakridayal P.S. Case No. 117 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The petitioner will make payment of one fourth of total amount of Rs. 5,34,000/- through bank draft at the time of execution of bail bonds by submitting the same before the learned Court below and thereafter remaining balance amount will be paid in next three equal installments, but there must not be a gap of more than six weeks between the two payments.

On deposit of Rs. 5,34,000/- through bank draft, the provisional bail of the petitioner will be confirmed by the learned court below.

The learned Court below will release the above mentioned drafts in favour of the informant forthwith.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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