

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46862 of 2017

Arising Out of PS.Case No. -186 Year- 2017 Thana -RAJIVNAGAR District- PATNA

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Krishna Prasad, Son of Late Lakhandeo Rai, Resident of Village-
Ellabibagh, P.S.- Gopalpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar Sinha, Advocate
For the informant : Mr. Rajiv Nayan Singh, Advocate.
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 01-11-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned counsel for the State.

The petitioner apprehends his arrest in Rajeev Nagar
P.S. Case No. 186 of 2017 instituted for the offence under Section
138 of the N.I. Act.

As per written report, the petitioner issued two
cheques amounting to Rs.8,00,000/- and 10,00,000/- respectively
which got bounced. During hearing of the bail petition, the
petitioner has agreed to make payment of the amount of the
cheques in installments.

Learned counsel for the informant has appeared and
submitted that petitioner may be directed to make payment of
Rs.3,00,000/- as 1st installment and, thereafter, he may be directed



to pay the remaining amount in installment of Rs.1,00,000/- in every month.

Considering the facts and circumstances of the case, this application is disposed off with a direction to the petitioner to surrender in the court below within a period of six weeks from the date of receipt of this order with valid receipt showing payment of Rs.3,00,000/- to the informant by way of Demand Draft and on production of such valid receipt showing payment of Rs.3,00,000/- to the informant, the learned Additional Chief Judicial Magistrate-III, Patna, will release the petitioner on provisional anticipatory bail in connection with Rajeev Nagar P.S. Case No. 186 of 2017 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.

The petitioner will make payment of remaining



amount in equal installments of Rs.1,00,000/- by 15th of every month. After making full payment of the entire amount and on producing valid receipts of making payment of the aforesaid amount to the informant by way of demand draft, the court below will confirm the provisional anticipatory bail of the petitioner.

It is made clear that in the event the petitioner does not surrender with receipt showing the payment of 1st installment of Rs.3,00,000/- or he makes default in payment of single installment as ordered above, the court below will be at liberty to pass appropriate order in accordance with law including cancellation of provisional anticipatory bail granted to the petitioner.

(Sanjay Priya, J)

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