

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63136 of 2017

Arising Out of PS.Case No. -405 Year- 2017 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

1. Suraj Kumar, son of Prem Lal Paswan, resident of Sakra Bazar, Near
Railway Gumti, P.S.- Sakra, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Irshad, son of late Md. Indu Master, District- Patna, Proprietor of
Creative Fashion of Gur Ki Mandi, Above Bank of India, P.S.
Alamganj, District- Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate

For the Opposite Party No.1: Mr. Rajendra Nath Jha, APP

For the Opposite Party No.2: Mr. Md. Azimuddin, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 11-04-2018

Heard learned counsel for the petitioner and learned

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

Petitioner apprehends his arrest in **Complaint Case**
No.405 of 2017 instituted for the offence under Section(s) 420
Indian Penal Code and Section 138 of the Negotiable Instruments
Act.

It is alleged in the Complaint Petition that cheque of
Rs.1,48,567/- was given by the petitioner to the Complainant,
which got bounced.

Petitioner has submitted in para 9 of the bail petition
that he is ready to make payment of the aforesaid amount to the



Complainant in easy installments.

Counsel for the Complainant-Opposite Party No.2 has submitted that he has no objection if easy installment is fixed to the petitioner for making payment of the aforesaid amount.

In such circumstances, this application is disposed off with direction to the petitioner to surrender the Court below i.e. **Additional Chief Judicial Magistrate, Patna City**, in connection with **Complaint Case No.405 of 2017** within a period of four weeks from the date of receipt of a copy of this order along with receipt showing payment of Rs.25,000/- (twenty five thousand) to the Complainant through Demand Draft and, in that event, the Court below will release the petitioner on provisional anticipatory bail for a period of four months on furnishing bail bond of Rs.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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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 four equal installments by 15th of every month through Demand Draft in the name of the Complainant. After making payment of entire amount i.e. Rs.1,48,567/-, provisional bail of the petitioner will be confirmed.

In the event, petitioner makes default in making payment of single installment, his provisional bail will be liable to be cancelled.

(Sanjay Priya, J)

JA/-

U		T	
---	--	---	--

