

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26569 of 2017

Arising Out of PS.Case No. -166 Year- 2016 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Md. Fulo, S/o Md. Mustakeem, R/o village- Laguniya Raghu Kanth
Tole Dariyapur, P.S. Samastipur (M), District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jitendra Kumar, S/o Sri Upendra Rai, R/o Village- Kewata, P.S.-
Dalsingsarai, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siyaram Pandey, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 09-02-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **CR Case No.166 of 2016** instituted for the offence under Section(s) 420 Indian Penal Code and Section 138 of the Negotiable Instrument Act.

Counsel for the petitioner has submitted that he is ready to make payment of rupees ninety six thousand for which cheque has been issued by the petitioner in favour of the Complainant, which got bounced.

Notice was issued to the Opposite Party No.2, which has been received by the Opposite Party No.2 personally, but none has appeared on behalf of the Opposite Party No.2.



From the impugned order, it appears that the petitioner had offered in the Court below also to make payment of rupees ninety six thousand in installments.

Counsel for the petitioner has submitted that he is ready to make payment of rupees ninety six thousand through Demand Draft to the informant on the date of surrender.

In such circumstances, this application is disposed off with direction to the petitioner to surrender before the Court below i.e. **Additional Chief Judicial Magistrate, Dalsinghsarai**, Samastipur, within a period of eight weeks from the date of receipt of the order in connection with **CR Case No.166 of 2016** along with receipt showing payment of the amount of Rs.96,000/- to the Complainant-Opposite Party No.2 through Demand Draft and in the event, the Complainant does not receive the aforesaid amount, the petitioner will deposit the Demand Draft in the Court below itself and in that event the Court below will release the petitioner on anticipatory bail 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 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.

In the event Demand Draft is deposited in the Court below on refusal by the Complainant, the Court below will handover the Demand Draft to the Complainant after issuing notice to him.

Aforesaid payment by the petitioner to the Complainant will be subject to final decision of the case.

(Sanjay Priya, J)

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