

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5612 of 2018

Arising Out of PS.Case No. -32 Year- 2013 Thana -NALANDA COMPLAINT CASE District -
NALANDA (BIHARSHARIFF)

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RAGHBENDRA KUMAR @ KHELARI @ VILARI, son of Vijay Singh,
resident of village-Lodipur, P.S.-Bind (Asthawan), District-Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Jaswant Kumar Tiwary, son of Shyam Narain Tiwary, resident of
village-Haripur, P.S.-Parbalpur, District-Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 06-04-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Complaint Case No.32-C of 2013** instituted for the offence under Section(s) 420 Indian Penal Code and Section 138 of the Negotiable Instruments Act.

Allegation in the Complaint Petition is that both Complainant and the petitioner started business of stones and the Complainant invested rupees one lac twenty thousand. It is further alleged that the petitioner started torturing the Complainant by several ways during business. He became separate from the petitioner. The petitioner gave cheque of Rs.49,000/- keeping his rest amount Rs.71,000/-, but the said



cheque bounced due to insufficient fund when the same was presented in the bank.

Counsel for the petitioner submits that he is ready to make payment of Rs.49,000/- to the Complainant, which is the amount of the cheque which got bounced.

In view of such, this application is disposed off with direction to the petitioner to surrender before the **Additional Chief Judicial Magistrate, IV, Nalanda at Biharsharif**, in connection with **Complaint Case No.32-C of 2013** within a period of four weeks from the date of receipt of copy of this order along with Demand Draft of rupees twenty thousand in the name of Complainant 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 balance amount in three equal monthly installments. After making entire payment of Rs.49,000/-, provisional bail of the petitioner will be confirmed.

It is made clear that in the event petitioner defaults in making payment of single installment, his provisional bail will be liable to be cancelled.

The Court below will handover the Demand Draft deposited by the petitioner to Complainant after issuing notice to the Complainant.

(Sanjay Priya, J)

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