

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47326 of 2017

Arising Out of PS.Case No. -998 Year- 2012 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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Shambhu Prasad Sah son of Late Baldeo Sah, resident of Village- Lohchi,
P.S. Kharagpur, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Barun Kumar @ Barun Kumar Sah, resident of Village- Lohchi, P.S.
Kharagpur, District Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 03-04-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint**
Case No. 998 C of 2012 instituted for the offence under Sections
403, 406, 420 of the Indian Penal Code and Section 138 N.I Act.

It is alleged in the complaint petition that petitioner
took friendly loan of Rs.1,20,000/- from the informant with
promise to return the amount within one year, but he did not
return money. It is further alleged that petitioner gave two cheques
of Rs.20,000/- each and on presentation of both cheques in the
account of the informant, the same bounced with endorsement
“insufficient fund”.

The counsel for petitioner submits that petitioner is



ready to deposit the amount.

In such circumstances, this application is disposed off with direction to the petitioner to surrender in the court below i.e. **Sri Anand Kumar Tripathi, learned Judicial Magistrate, 1st Class, Munger**, within a period of eight weeks from the date of receipt/production of a copy of this order along with receipt showing payment of Rs.20,000/- to the complainant and in that event the court below will release the petitioners on provisional anticipatory bail to its own satisfaction for a period of three months in connection with **Complaint Case No. 998C of 2012** 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) petitioners 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 petitioners tamper 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 petitioners.

The petitioner will make payment of remaining amount of Rs.20,000/- within a period of three months and after



payment of total amount of Rs.40,000/- to the complainant, the court below will confirm the provisional anticipatory bail of the petitioners after three months. The payment made by the petitioner shall be subject to final decision of the case.

It is made clear that in the event petitioner makes default in making payment 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 petitioners.

(Sanjay Priya, J)

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