

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41044 of 2017

Arising Out of PS.Case No. -185 Year- 2016 Thana -RUPASPUR District- PATNA

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Pawan Kumar @ Pawan Kumar Singh, Son of Sri Sant Lal Singh, Resident of Village-Jalalpur, Ara Machine, Police Station-Rupaspur, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mandil Singh, son of Sri Bhairav Pd. Singh, resident of village Ram Jaipal Nagar, Gola Road, P.S. Rupaspur, Distt. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate.
For the informant : Mr. Sudhir Kumar Sinha, Advocate.
Mr. Ashok Kumar Sinha, Advocate.
For the Opposite Party/s : Mr. Ashok Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 04-01-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Rupaspur P.S.**

Case No. 185 of 2016 instituted for the offence under Sections 138 of N.I. Act.

Learned counsel for the petitioner has submitted that he is ready to make payment of the amount of cheque which has bounced, in eight equal installments, to the informant.

Learned counsel for the informant has appeared and stated that he has no objection to such submission as made by the petitioner.

In such circumstances, the application is disposed off



with a direction to the petitioner to surrender in the court below i.e. the learned Additional Chief Judicial Magistrate-II, Danapur, within a period of six weeks from the date of receipt/production of a copy of this order along with receipt showing payment of 1st installment of Rs.50,000/- to the informant and in that event the court below will enlarge the petitioner on provisional anticipatory bail in the event of surrender/arrest of the petitioner, named above, in connection with Rupaspur P.S. Case No. 185 of 2016, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Danapur, 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.

The petitioner is directed to make payment of remaining amount in seven equal installments by 15th of every



month to the informant. The court below will confirm the provisional bail granted to the petitioner after making full payment of the amount and on producing the valid receipt showing payment of total amount to the informant.

It is made clear that if the petitioner does not surrender before the court below with receipt showing payment of first installment of Rs.50,000/- within a period of six weeks or the petitioner commits default in making payment of single installment, the court below will be at liberty to pass appropriate order including cancellation of provisional bail granted to the petitioner.

(Sanjay Priya, J)

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