

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.54447 of 2017**

Arising Out of PS.Case No. -120 Year- 2017 Thana -CHAUTHAM District- KHAGARIA

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Prabhat Kumar @ Mantun Singh, Son of Late Raghubansh Prasad Singh,  
resident of village- Lalpur, Police Station- Chautham, District- Khagaria.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate.

For the informant : Mr. Binod Kumar, Advocate.

Mr. Arun Kumar Gupta, Advocate.

For the Opposite Party/s : Mr. Rajendra Singh Shastriji, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

6      30-01-2018                      Heard learned counsel for the petitioner, learned  
counsel for the informant and the State.

The petitioner apprehends his arrest in **Chautham**  
**P.S. Case No. 120 of 2017** instituted for the offence under  
Sections 420, 406 and 120(B)/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that  
as per agreement reached between parties during last hearing of  
the bail petition i.e. on 18.01.2018, the petitioner is ready to make  
payment of 75 per cent of the amount of Cheque which got  
bounced, subject to final decision of the case.

Learned counsel for the informant is present. He has  
submitted that he has already taken instruction from the informant.



He is agreeable for the same.

In such circumstances, petitioner is directed to surrender in the court below i.e. before **learned Additional Chief Judicial Magistrate-II, Khagaria**, and make payment of 75 per cent of the amount of Rs.6,20,000/- by way of Demand Draft to the informant within a period of two months from the date of receipt/production of a copy of this order and on producing valid receipt of payment of the aforesaid amount to the informant, the court below will enlarge the petitioner on anticipatory bail in the event of surrender/arrest of the petitioner, named above, in connection with **Chautham P.S. Case No. 120 of 2017**, 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.

It is made clear that payment of 75 per cent of the



amount of Rs.6,20,000/- will be subject to the final decision of the case.

The interim relief granted to the petitioner vide order dated 21.11.2017 passed by this Court will continue for the period of two months to comply the order as mentioned above.

This case is accordingly disposed off with aforesaid direction.

It is made clear that in the event the petitioner does not surrender before the court below with proof of making payment of the aforesaid amount within a period of two months from the date of receipt of this order the court below will be at liberty to pass appropriate order in accordance with law without taking into consideration the aforesaid observation of this Court.

**(Sanjay Priya, J)**

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