

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.60980 of 2017

Arising Out of PS.Case No. -431 Year- 2016 Thana -DANAPUR District- PATNA

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1. Harendra Kumar Singh, S/o Jwala Prasad Singh, R/V- Sri Rampur, P.S.-
Nuaon, Distt.- Bhabhua.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Matloob Rab, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-01-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Danapur P. S. Case No. 431 of 2016 registered for the offences punishable under Sections 406, 420 and 120B of the Indian Penal Code

The allegation against the petitioner is that the petitioner along with other accused persons had taken money from the informant for providing job to his sons, however, the job was not provided nor the money was returned to the informant.

It appears from the order dated 01.03.2017 passed by the learned trial court that the accused persons had undertaken to return a sum of Rs. 1,55,000/- in four installments to the



complainant, since, the matter has been compromised and settled amongst the parties.

Learned counsel for the petitioner submits that though the petitioner had undertaken to pay a sum of Rs. 1,55,000/- but the learned Trial Court in its order dated 01.03.2017 had recorded that the said petitioner and another co-accused, Vijay Kumar would pay a sum of Rs. 1,55,000/-. It has further been submitted that subsequently, the petitioner had filed a petition for modification of the order dated 01.03.2017 before the learned Trial Court interalia stating therein that the time of surrender before the learned court below and deposit the amount may be extended. However, the learned Trial Court vide order dated 07.11.2017, rejected the prayer of the petitioner for extension of time for deposit of amount and surrendering before the Trial Court. It is submitted by the learned counsel for the petitioner that the petitioner is still willing to pay a sum of Rs. 1, 55,000/- to the complainant in four equal installments.

Having regard to the facts and circumstances of the present case and in the interest of justice, I find that it would be appropriate that the petitioner should pay a sum of Rs. 1, 55,000/- in one lump sum. Accordingly, it is directed that the petitioner shall deposit a sum of Rs. 1,55,000/- within four weeks before the



Nazarat of the concerned Court and shall surrender before the learned court below within the said period and upon the court being satisfied about deposit of the said amount, the petitioner would be enlarged on anticipatory bail upon furnishing bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court of the learned Additional Chief Judicial Magistrate, 1st, Danapur, Patna in connection with Danapur P.S.Case No. 431 of 2016, subject to the conditions enumerated under Section 438 (2) of Code of Criminal Procedure.

It is further directed that the said sum of Rs. 1, 55,000/-, so deposited, shall be released to the complainant, upon an application being made by the complainant in this regard.

(Mohit Kumar Shah, J)

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