

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5981 of 2018

Arising Out of PS.Case No. -2967 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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Subodh Kumar, Son of Lal Babu Rai, Resident of Mohalla- Jagdamba Path,
North S.K. Puri, Ward No. 22, P.S.- S.K. Puri, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raju Kumar Singh, Son of Prahlad Singh, Resident of House No. 34G,
Anandpuri, Road No. 2, P.S.- S.K. Puri, P.O.- G.P.O., District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate.
For the informant : Mr. Anil Kumar, Advocate.
Mr. Shambhu Narayan Singh, Advocate.
For the Opposite Party/s : Smt. Asha Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 11-04-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and the State.

The petitioner apprehends his arrest in **Complaint**
Case No. 2967 of 2016 instituted for the offence under Sections
323, 420 and 504 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
he is ready to make payment of admitted amount of Rs.9,00,000/-
which he has received from the informant by Cheque. The
petitioner is ready to pay the aforesaid amount in four equal
installments.

Learned counsel for the informant has appeared. He



has no objection to the prayer made by the petitioner as aforesaid.

In such circumstances, this application is disposed off with direction to the petitioner to surrender in the court below i.e. **learned Additional Chief Judicial Magistrate, Patna**, within a period of four weeks from the date of receipt/production of a copy of this order along with receipt showing payment of 1st installment of Rs.2,00,000/- by way of Demand Draft and in that event, the court below will enlarge the petitioner on provisional anticipatory bail to its own satisfaction for a period of four months in connection with **Complaint Case No. 2967 of 2016** 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.

Thereafter, the petitioner will make payment of remaining amount of Rs.7,00,000/- within a period of four months



in equal monthly installments by 15th of every month. After making full payment of the entire amount and on producing valid receipts showing payment of the entire amount to the complainant by way of demand draft, the court below will confirm the provisional anticipatory bail of the petitioners after four months.

It is made clear that in the event petitioner makes default in making payment of any single installment 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.

It is expected that after making payment of Rs.9,00,000/- both parties will try to settle the matter amicably. In the event the dispute is settled amicably between the parties, the court below will finally dispose of the case expeditiously.

(Sanjay Priya, J)

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