

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47587 of 2018

Arising Out of PS. Case No.-468 Year-3016 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Renu Devi, W/o Rajendra Prashad,
2. Rajendra Prashad, S/o Sitaram Keshri, R/o Vill.- Khemni Chak
Tetar Path, East Shiv Nagar P.S.- Krishna Nagar, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Naresh Chandra Agrawal, S/o Late Bhodesh Chandra Agrawal, R/o
Marufganj Mandi, P.S. Mal Shalami, Dist.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Mohan Tripathi
For the Opposite Party/s : Mr. Sri Satyadev Prasad Singh Yadav

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 31-08-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Complaint case no.
468 of 2016 instituted for the offence under Section(s) 420 of
the Indian Penal Code and Section 138 of N.I. Act.

In the written report, it is alleged that there was business
transaction between the petitioners and the complainant. The
complainant had delivered goods to the petitioner as mentioned
in the complaint petition. The petitioner issued four cheques in
the account of the complainant towards clearing the dues and
when those cheques were presented in the Bank they got
bounced. The total amount of those four cheques comes to



Rs. 1,00,405/-.

Learned counsel for the petitioner has submitted that petitioners are ready to make payment of the aforesaid amount in five equal installments.

In view of such, this application is disposed off with direction to the petitioners to surrender before the court below i.e. ACJM, Patna City in connection with Complaint case no. 468 of 2016, within a period of four weeks from the date of receipt of a copy of this order along with valid receipt to show that he has paid the first installment of Rs. 25,000/- by way of demand draft to the complainant in terms of the order of this court and in that event the court below will release the petitioners on provisional anticipatory bail for a period of six months, 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 petitioners 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.

Thereafter the petitioners will make payment of the remaining amount in four equal installments within the aforesaid period and thereafter the court below will confirm the provisional anticipatory bail of the petitioners on submitting valid proof of making payment of Rs. 1,00,405/- to the complainant.

It is made clear that in the event the petitioners did not surrender with valid receipt showing payment of the first installment or in the event of default in making payment of single installments the court below will be at liberty to pass appropriate order in accordance with law including cancellation of bail bond of the petitioners. The payment so done by the petitioners to complainant will be subject to final decision of the case.

(Sanjay Priya, J)

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