

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15039 of 2018

Arising Out of PS. Case No.-397 Year-2017 Thana- BUDDHACOLONY District- Patna

Chandra Shekhar, Son of Late Raghuveer Prasad, Resident of House No. F/656, Peoples Co-operative Colony, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-04-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Budha Colony P.S. Case No. 397 of 2017, instituted for the offence under Sections 406,420 of the IPC and Section 138 of N.I.Act.

It is alleged in the written report that petitioner issued four post-dated cheques in favour of the informant totalling Rs. 5,00,000/-, but only first cheque of Rs. 1,00,000/- was encashed and the rest three cheques of remaining amount of Rs. 4,00,000/- was not encashed due to insufficient fund. The informant made request to return money, but petitioner did not return the money.

Learned counsel for the petitioner has submitted that he admits of receiving Rs. 5,00,000/- from the informant. He has already returned Rs. 2 lac. He is ready to return further Rs. 3 lac



to informant.

In such circumstances, the petitioner is directed to surrender before the court below in connection with Budha Colony P.S. Case No. 397 of 2017, to the satisfaction of the learned Sub-Judge-XVI, Patna, within a period of six weeks from the date of receipt of the order, along with affidavit stating that he will make payment of admitted dues amounting to Rs.3,00,000/- by demand draft to the informant withing six months and in that event the court below will release the petitioner on provisional anticipatory bail for a period of six months on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to its own satisfaction, subject to condition as laid down under Section 438(2) of the 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 bonds of the petitioner and (3) if the 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, petitioner will make payment of admitted dues



amount of Rs.3,00,000/- within a period of six months and after making payment of the aforesaid amount and producing the valid receipt the provisional bail of the petitioner will be confirmed.

Aforesaid payment made by the petitioner will be subject to final decision of the case.

It is made clear that in the event, petitioner fails to make payment of amount as ordered above, his bail bond will be cancelled.

(Sanjay Priya, J)

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