

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24738 of 2018

Arising Out of PS.Case No. -130 Year- 2017 Thana -KHODABANDPUR District- BEGUSARAI

=====

Anita Kumari, w/o Ram Bharosh Paswan, R/o Vill.- Dapharpur, P.S.- New Kothi, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Aftab Alam, son of late Taslim, r/o village Bakhdda, P.O. Chourahi, P.S. Khowand, Sub. Manjhul, Distt. Begusarai

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate.
For the informant : Mr. Yogesh Kumar, Advocate.
For the State : Mr. Atul Chandra, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 17-07-2018 Heard learned counsel for the petitioner, learned counsel for the informant and the State.

The petitioner apprehends her arrest in **Khodawandpur P.S. Case No. 130 of 2017** instituted for the offence under Section 420 of the Indian Penal Code.

Learned counsel for the informant has submitted that Annexure-2 is the agreement by which the petitioner has accepted that he will make payment of remaining amount to the complainant in installment. Learned counsel for the informant has further submitted that petitioner has undertaken in the Court on 30.04.2018 that he is ready to return the rest amount but he has not made payment in terms of the aforesaid order.



Learned counsel for the petitioner has submitted that in terms of order dated 30.04.2018, the petitioner will make payment of Rs.93,000/- within a period of three months in three installments.

In such circumstances, this application is disposed off with direction to the petitioner to surrender in the court below i.e. **learned Sub Divisional Judicial Magistrate, Manjhaul, Begusarai**, within a period of four weeks from the date of receipt/production of a copy of this order along with receipt showing payment of Rs.30,000/- to the informant by way of Demand Draft as first installment and thereafter, the court below will release the petitioner on provisional anticipatory bail to its own satisfaction for a period of three months in connection with **Khodawandpur P.S. Case No. 130 of 2017**, 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 her absence on two consecutive dates without proper and reasonable reason will be liable to cancel her bail bond 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.

The petitioner will make payment of remaining amount of Rs.63,000/-, within a period of three months. After making full payment of the entire amount and on producing valid receipts of making payment of the amount to the informant by way of Demand Draft, the court below will confirm the provisional anticipatory bail of the petitioner after three months. The payment made by the petitioner will be subject to final decision of the case.

It is made clear that in the event petitioner makes default in making payment or does not surrender along with proof of making payment of Rs.30,000/- as first installment by way of Demand Draft to the informant, the court below will be at liberty to pass appropriate order in accordance with law including cancellation of bail bonds of the petitioner.

(Sanjay Priya, J)

S.Ali/-

U		T	
---	--	---	--

