

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38940 of 2018

Arising Out of PS.Case No. -623 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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Jitendra Kumar Jha @ Jitesh Kumar Jha S/o Surendra Jha Resident of
Village - Rajla, P.S. - Kudhani, District - Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.
2. Dilip Kumar Jha @ Dilip Jha S/o Late Bilochan Jha Resident of Mohalla
- Kazi Mohamadpur (Bhikhanpura), P.S. Sadar, District - Muzaffarpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 06-08-2018 Heard learned counsel for the petitioner.

Petitioner apprehends his arrest in connection with
Complaint Case No. 623 of 2014 registered for the offences
punishable under Section 420 of the Indian Penal Code and
Section 138 of N.I. Act.

Allegation against the petitioner is that he has taken a
loan of Rs.9.5 lakhs from the complainant for purchasing of a
house and thereafter he has not returned the same and a cheque
issued was bounced.

Submission of learned counsel for the petitioner is that he
has already paid Rs.4.54 lakhs to the complainant and rest of the
amount he is ready to pay and further he has drawn my attention
towards Annexure-2.

Heard learned APP and learned counsel for opposite
party No.2, who has opposed the prayer for anticipatory bail on



the ground that not a single penny has been paid to the complainant.

Having heard both sides and without going into the merit of the case, it is directed that if the petitioner surrenders within a period of six weeks along with a Bank Draft of Rs.3 lakhs payable to the opposite party No.2, he will be released on provisional bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur, in connection with Complaint Case No. 623 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C. and further condition is that one of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of court concerned and he will pay the rest of the amount in the next following month and on depositing the total amount his bail bond shall be confirmed and the amount would be released in favour of opposite party No.2, which will be subject to the result of the case.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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