

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39144 of 2018

Arising Out of PS.Case No. -536 Year- 2017 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN (MOTIHARI)

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1. Ajit Kumar Tiwari, Son of Late Deonath Tiwari @ Dev Narayan Tiwari,
Resident of Village- Machhua toli Bel Banawa, P.S.- Motihari Town,
District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rama Das, Wife of Dipen Kumar Das, resident of Mohalla- Khuda
Nagar, Dharma Samaj Road, Motihari, P.S.- Chhatauni, District- East
Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kant Mani Tripathi, Adv.
For the State : Dr. Rabindra Kumar, APP
For the opposite party No. 2 : Mr. S.P. Srivastava, Adv.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-09-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in a case registered
under Sections 406, 420 of the Indian Penal Code and 138 of N.I.
Act.

The prosecution case, in brief, is that the petitioner handed
over seven cheques for payment of Rs. 8,50,000/- to the informant
which became bounced.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. It has been



submitted that only one notice in respect of bounce of cheque for an amount of Rs. 2,00,000/- was received by the petitioner. In pursuance to the same, the petitioner vide Annexure-2 dated 25-07-2015 intimated the bank in question regarding missing of cheques. When the petitioner came to know that the cheques in question had wrongly been used by the informant, then he filed informatory petition vide Annexure-4 dated 03-06-2017. It is further submitted on behalf of the petitioner that the petitioner is ready to deposit an amount of Rs. 50,000/- in the court below subject to final outcome of the case.

Learned Counsel for the informant accepted the proposal of the petitioner.

Considering the aforesaid facts and circumstances, the petitioner is directed to deposit the said amount of Rs. 50,000/- in the court below subject to final outcome of the case within a period of three months from the date of receipt of the order. In the meantime, if the petitioner surrenders in the court below within a period of six weeks from today, he shall be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Town P.S. Case No. 536



of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that on deposit of an amount of Rs. 50,000/- within the stipulated period, the provisional bail granted to the petitioner shall be confirmed by the court below itself.

(Sudhir Singh, J)

A.K.V./-

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