

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40000 of 2018

Arising Out of PS.Case No. -859 Year- 2017 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

- =====
1. Minakshi Mishra, Wife of Deepak Kumar Jha,
 2. Deepak Kumar Jha @ Deepak Jha, Son of Sri Bashishtha Narayan Jha,
 3. Shalini Priya, Daughter of Sri Bhushan, All residents of Shri Ram Bhawanand Complex, 4th Floor, Room No.407, Police Line Road, P.S.- Kotwali (Tilkamanjhi), District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shahab Khalil, Advocate

Mr. Saba Ashfaque, Advocate

For the Opposite Party/s : Mr. Anand Kishore, APP

For the informant : Mr. Ashutosh Kumar, Advocate

Mr. Rajesh Kumar Pandey, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 17-09-2018

Heard learned counsel for the appellant, learned APP

as well as learned counsel for the informant.

There happens to be allegation against the petitioners that while running with N.I.S Corporation Private Limited, the petitioners, on an assurance of getting name of daughter of informant admitted in Medical College, procured two cheques pertaining to Rs. 5 Lakhs each as well as Rs. 3 Lakhs in cash. Subsequently, as per advertisement published by Medical Council of India unscrupulous activities have been traced out whereupon, informant asked for return of both the cheques as well as cash which he had paid and pretence as shown by the petitioners ultimately, led institution of the instant case.

Learned counsel for the petitioners submits that



petitioners are ready to deposit the amount. It has further been submitted that the aforesaid two cheques have not been encashed and so, the same would be returned. In likewise manner, it has also been submitted that cash appertaining to Rs. 3 Lakhs is going to be deposited in Civil Court Nezarat.

The Apex Court times without number has observed in case of financial dispute, if amount is being paid, then in that circumstance bail could be granted as reported in **(2015) 2 SCC 313, (Rakesh Baban Borhade v. State of Maharashtra).**

As such, On return of two cheques issued by the informant as well as deposit of Rs. 3 Lakhs in Civil Court Nezarat, petitioners, namely, 1. Minakshi Mishra, 2. Deepak Kumar Jha @ Deepak Jha and 3. Shalini Priya, in the event of their arrest/surrender within four weeks, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur in Kotwali (Tilkamanjhi) PS Case No. 859/2017 in terms of condition as laid down under Section 438(2) CrPC. Deposit of amount will not be considered as an admission.

(Aditya Kumar Trivedi, J)

perwez

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

