

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44378 of 2018

Arising Out of PS.Case No. -1113 Year- 2016 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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1. Naeem Ansari S/o Yasin Ansari, R/o Vill.- Bharthui, P.S.- Dhanauti
(O.P.), P.O.- Danauti, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shambhu Yadav S/o Late Rameshwar Chudhari, R/o Vill.- Sidhawal,
P.S.- Hussainganj, District- Siwan, Properitor Gayatri Enterprises Nirala
Nagar, District- Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-08-2018 Heard learned counsel for the petitioner, the informant as
well as the State.

The petitioner apprehends his arrest in Complaint Case
No. 1113/2016, instituted for the offences punishable under Sections
420, and 406 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
the petitioner is ready to make payment of amount of Rs. 6,66,352/-
to the complainant in three equal installments at the interval of two
months.

Learned counsel for the complainant has submitted that
he has no objection from the aforesaid submission.

In view of such, this application is disposed of with



direction to the petitioner to surrender before the learned Chief Judicial Magistrate, Siwan in connection with Complaint Case No. 1113/2016 within a period of six weeks from the date of receipt of this order along with receipt showing payment of the first installment to the complainant by demand draft and an affidavit that he will repay the balance amount in three equal installments at the interval of two months, the court below will release the petitioner on provisional anticipatory bail for a period of six months to its own satisfaction on the surety to be fixed by the court below itself, subject to the conditions 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 bond of the petitioner and (3) if petitioner tamper 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.

After payment of the entire amount, provisional bail of the petitioner will be confirmed.

It is made clear that in the event petitioner does not surrender before the court below along with proof of deposit of first installment and an affidavit as stated above or the petitioner commits



default in making payment of single installment, the court below will be at liberty to pass order for cancellation of provisional bail of the petitioner.

(Sanjay Priya, J.)

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