

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48822 of 2017

Arising Out of PS.Case No. -3549 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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Vinod Kumar Pathak, son of Late Banshidhar Pathak, resident of Village -
Shanti Nagar Colony, Rauma Lanka, P.S. - Lanka, District - Varanasi (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar.
2. Arvind Kumar Dwivedi, son of Sri Krishna Kant Dwivedi, resident of
Flat No. 303/C. R.K. Villa Apartment, Mahesh Nagar, Road No. 2, P.O.
Keshri Nagar, P.S. - Patliputra, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvan Kumar, Advocate.

For the Opposite Party/s : Mr. S. Ehteshamuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 08-01-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint**
Case No. 3549(C) of 2016 instituted for the offence under
Sections 420 and 406 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
he is ready to make payment of Rs.4,00,000/- to the complainant
in four equal installments subject to the final decision of the case.

In such circumstances, the application is disposed off
with a direction to the petitioner to make payment of Rs.4,00,000/-
in four equal installments of Rs. 1,00,000/- each by Demand Draft
subject to final decision of the case and surrender in the court



below i.e. the learned Additional Chief Judicial Magistrate-Xth, Patna, within a period of eight weeks from the date of receipt/production of a copy of this order along with valid receipt showing payment of 1st installment of Rs.1,00,000/- to the complainant and in that event the court below will enlarge the petitioner on provisional anticipatory bail in the event of surrender/arrest of the petitioner named above, in connection with **Complaint Case No. 3549(C) of 2016**, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate, Xth, Patna**, 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his 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 is directed to make payment of remaining amount in three equal installments by 15th of every



alternate month. The court below will confirm the provisional bail granted to the petitioner after making payment of the amount of Rs.4,00,000/- to the complainant as ordered above and on producing the valid receipts showing payment of total amount of the installment.

It is made clear that in the event the petitioner does not surrender before the court below with receipt showing payment of 1st installment of Rs.1,00,000/- within a period of eight weeks from the date of receipt of this order or the petitioner commits default in making payment of single installment as ordered above, the court below will be at liberty to pass appropriate order in accordance with law including cancellation of provisional bail granted to the petitioner.

(Sanjay Priya, J)

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