

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63138 of 2017

Arising Out of PS. Case No.-3217 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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Nagendra Prasad Son of Late Yadu Prasad Resident of Mohalla - Shiv Nagar,
Khemnichak, P.O. Jaganpura, P.S. Ram Krishna Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sanjay Kumar Sharma S/o Late Gena Lal Sharma resident of Ghana Colony,
Ram Krishna Nagar, P.S. Ram Krishna Nagar, District Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Reena Sinha

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 15-02-2018 Heard learned counsel for the petitioner, complainant and
learned APP for the State.

Petitioner apprehends his arrest in complaint case no.
3217 (c) of 2015 instituted for the offence under Section(s)
406,467, 468 and 471 of the Indian Penal Code.

Learned counsel for the petitioner admits that the
complainant has paid an amount of Rs. 8,07,000/- (eight lacs
seven thousand) to the petitioner for execution of the sale deed
with respect to the land for which agreement has been entered
into between the petitioner and the complainant which is
annexed as Annexure-2 to the bail petition.

Learned counsel for the petitioner has submitted that he



will make payment of the aforesaid amount to the complainant in ten equal installment (s). Learned counsel for the complainant agrees to such offer made by the petitioner.

In view of such, this application is disposed off with direction to the petitioner to surrender before the Court below i.e. learned Sub-Judge-XIII, Patna in connection with Complaint case no. 3217 (C) of 2015 within a period of four weeks from the date of receipt of a copy of this order along with valid receipt to show that he has paid the first installment by way of demand draft to the complainant in terms of the order of this Court and in that event the Court below will release the petitioner on provisional anticipatory bail for a period of eight months 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner 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.



Thereafter, the petitioner will make payment of the remaining amount in equal installments within the aforesaid period and thereafter the Court below will confirm the provisional anticipatory bail of the petitioner.

It is made clear that in the event the petitioner does not surrender with valid receipt showing payment of the amount and in the event of default in making payment in installments the Court below will be at liberty to pass appropriate order in accordance with law.

The application is disposed off.

(Sanjay Priya, J)

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