

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.9034 of 2018**

Arising Out of PS. Case No.-21 Year-2016 Thana- MADHUBANI COMPLAINT CASE  
District- Madhubani

Kumar Vivek, Son of Anil Kumar, Resident of Mohalla- Sohsarai, Ward No.2,  
Police Station- Sohsarai, District- Nalanda ... Petitioner

Versus

The State of Bihar ... Opposite Party

**Appearance :**

For the Petitioner : Mr. Md. Shamimul Hoda, Adv.

For the State : Mr. Harendra Prasad, APP 96

For the complainant : Mr. Rama Shankar Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**

**ORAL ORDER**

4      07-03-2018              Heard learned counsel for the petitioner, the complainant  
and learned APP for the State.

Petitioner apprehends his arrest in connection  
with Complaint Case No. 21 of 2016 instituted for the offence  
under Sections 406 and 420 Indian Penal Code and 138 of the  
Negotiable Instrument Act.

It is alleged in the complaint petition that the  
petitioner issued cheque of Rs.7,75,000/- in favour of the  
complainant and on presentation of the aforesaid cheque it  
bounced.

The learned counsel for the petitioner has  
submitted in the Court that he is ready to make payment of  
amount of bounced cheque in ten equal installments.

The learned counsel for the complaint is present.



He has no objection

In the facts and circumstances of the case, the petitioner is granted **provisional anticipatory bail for ten months** from the date of his surrender. In the event of surrender/arrest of the petitioner, named above, with valid proof of making payment of first installment of the amount by bank draft in favour of the complainant, within six weeks from today in connection with **Complaint Case No. 21 of 2016** he shall be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **Sri P.K. Mahatha, Judicial Magistrate, 1<sup>st</sup> Class, Madhubani**, subject to the conditions as laid down under Section 438(2) Criminal Procedure Code 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.



After release of the petitioner on provisional anticipatory bail, the petitioner will make payment of remaining amount in equal installments and after payment of entire amount the Court below, itself, shall confirm the provisional anticipatory bail. The Court below will hand over the bank draft(s) to the complainant or his counsel in the event the same is not received by the complainant personally.

With the aforesaid observations, this application is **disposed off.**

**(Sanjay Priya, J)**

Shamshad/-

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