

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29855 of 2018

Arising Out of PS. Case No.-71 Year-2017 Thana- TARARI District- Bhojpur

Surendra Kumar Pandey, Son of Late Raghubansh Pandey, resident of Village- Pararia, Police Station- Tarari in the district of Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ramdayal Singh, Son of Late Kapildeo Singh, Resident of Village Harnath Dih, Police Station- Tarari in the district of Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 28-06-2018 Heard learned counsel for the petitioner, learned counsel for the informant and the State.

The petitioner apprehends arrest in Tarari P.S. Case No. 71 of 2017, instituted for the offence under Sections 341,323,406,420,467,468 of the IPC.

It is mentioned in the written report that petitioner has received 95 quintal of paddy from the informant at the rate of Rs. 1360/- per quintal and bonus at the rate of Rs. 300/- per quintal as per direction of the Department. It has been mentioned that total value of rice is Rs. 1,57,700/-. The petitioner has given receipt with respect to receiving of the aforesaid paddy. The petitioner gave assurance to make payment but he did not make payment of amount of Rs. 1,57,700/-.



Learned counsel for the petitioner filed supplementary affidavit stating that he made payment of Rs. 80,000/- to the informant. The receipt of making payment has been annexed as Annexure-3 to this application.

Learned counsel for the petitioner submits that he will make payment of remaining amount of Rs. 77,700/- within three months in three installments.

In such circumstances, this petition is disposed off with direction to the petitioner to surrender in connection with Tarari P.S. Case No. 71 of 2017, within a period of six weeks from date of receipt of the order, before learned Additional Chief Judicial Magistrate-IX, Ara, Bhojpur, alongwith receipt showing payment of first installment by demand draft and in that event the court below will release the petitioner on provisional anticipatory bail for a period of three months on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to its own satisfaction, subject to condition as laid down under Section 438(2) of the Cr.P.C. with further conditions (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 bonds of the petitioner and (3) if the 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, petitioner will make payment of remaining amount in two installments within a period of three months and after making payment of entire amount of Rs. 77,700/- the provisional anticipatory bail of petitioner will be confirmed.

The aforesaid payment made by the petitioner will be subject to final decision of the case.

It is made clear that in the event, petitioner fails to surrender with valid receipt showing payment of first installment or makes defalcation in making payment of single installment, the court below will be at liberty to pass appropriate order in accordance with law including cancellation of bail bond of the petitioner.

(Sanjay Priya, J)

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