

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47136 of 2017

Arising Out of PS.Case No. -7 Year- 2016 Thana -CHAKAND District- GAYA

=====

1. Md. Nayeem Khan @ Tipu Khan Son of Salim Khan, R/o House No. 37, Mohalla- Fatehpur, P.O.- Sisua, P.S.- Bhadrachak, Jogata, District- Dhanbad (Jharkhand), at present R/o Aliganj, Road No.9, House of Dr. Mustaque, P.S.- Chandauli, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kunwar Narayan Jamuar, Adv

For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 17-01-2018 Heard learned counsel for the appellant as well as learned APP.

On the pretext of getting employment abroad, petitioner had procured Rs. 3,54,000/- from the informant. From paragraph-22 of the case diary, it is evident that I.O. had visited the bank and got the account of petitioner checked and found truthfulness in the assertion of the complainant with regard to deposit of part payment.

During course of argument, learned counsel for the petitioner has submitted that petitioner is ready to deposit the amount by way of installments as on account of being under custody for a long period, he is unable to deposit the amount in one stroke.

Learned APP submitted that return of amount in installment could be entertained.



On deposit of first installment of Rs. 50,000/-, petitioner will be released on provisional bail by the learned lower court on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Judicial Magistrate-1st Class, Gaya in connection with Chakand PS Case No. 07/2016.

The learned lower court will ascertain genuineness as well as soundness of the bailors so that petitioner's presence could be properly maintained during intervening period. Petitioner will also give an undertaking that during midst thereof, he will not leave the country and will deposit the passport, if any.

The provisional bail will be valid for the period of six months during midst thereof, the remaining amount would be deposited at his end. In case of failure having at the end of petitioner, would disentitle him to avail the privilege of provisional bail. In case the whole amount is deposited, then in that event, provisional bail will be deemed to be confirmed.

The aforesaid deposit will not be construed as an admission at the end of petitioner.

(Aditya Kumar Trivedi, J)

perwez

U		T	
---	--	---	--

