

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25951 of 2018

Arising Out of PS.Case No. -629 Year- 2017 Thana -NATHNAGAR District- BHAGALPUR

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Md. Irshad Hussain, S/o Md. Wajahat Hussain, R/o Vill.- Lakshami Narayan Singh Lane, Nath Nagar, P.S.- Nath Nagar, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mir Salman Hussain, son of Mir Usman Hussain, r/o Mohalla Narga Bajar, P.S. Nath Nagar, Distt. Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate.
For the informant : Mr. Amrendra Kumar Jha, Advocate.
For the State : Mr. Ashok Kumar Singh 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 21-06-2018 Heard learned counsel for the petitioner, learned counsel for the informant and the State.

The petitioner apprehends his arrest in **Nath Nagar P.S. Case No. 629 of 2017** instituted for the offence under Sections 420 and 406 of the Indian Penal Code.

Learned counsel for the informant has pointed out the order dated 4.5.2018 passed by coordinate Bench of this Court wherein it is mentioned that petitioner is ready to give Rs.13,50,000/- to the informant which has been received by him from the informant.

In the written report there is allegation that informant has given Rs.13,50,000/- to petitioner for purchase of land which was later on found to be disputed land. The Title Suit is pending in the court of Sub Judge-8 with respect to aforesaid land. The informant made



demand of his money then petitioner issued three cheques amounting total Rs.13,50,000/- and when the cheques were presented in the bank the same bounced.

Learned counsel for the petitioner has submitted that he is ready to return the money as mentioned in three cheques issued by him in favour of the informant in installments.

In such circumstances, this application is disposed off with direction to the petitioner to surrender in the court below i.e. **learned Additional Chief Judicial Magistrate-1st, Bhagalpur**, within a period of six weeks from the date of receipt/production of a copy of this order along with receipt showing payment of Rs.3,00,000/- to the informant by way of Demand Draft as first installment and thereafter, the court below will release the petitioner on provisional anticipatory bail to its own satisfaction for a period of twelve months in connection with **Nath Nagar P.S. Case No. 629 of 2017** 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 petitioners.



The petitioner will make payment of remaining amount of Rs.10,50,000/- which is admitted by the petitioner in the earlier order dated 04.05.2018 passed by a coordinate Bench of this Court, within a period of twelve months by way of Demand Draft in equal installments. After making full payment of the entire amount and on producing valid receipts of making payment of the aforesaid amount of Rs.13,50,000/- to the informant by way of demand draft, the court below will confirm the provisional anticipatory bail of the petitioner after 12 months. The payment made by the petitioner will be subject to final decision of the case.

It is made clear that in the event petitioner makes default in making payment of single installment or does not surrender with proof of making payment of Rs.3,00,000/- as first installment by Demand Draft to the informant, 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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