

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59664 of 2017

Arising Out of PS.Case No. -1138 Year- 2010 Thana -GAYA COMPLAINT CASE District- GAYA
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Md. Fahimuddin, son of Abdul Rauf @ Syed Abdul Rafaya, resident of
Mohalla Wazidpur, P.S. Kashichack, Distt. Nawada.

.... Petitioner/s

Versus

1. The State of Bihar
2. Akil Ahmad, son of late S.M. Mustafa, Office In-charge, Bihar State Minorities Financial Corporation Ltd., Magadh Division Office, Jama Masjid Market, G.B.Road, P.S. Kotwali, District Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surender Singh, Advocate.

Md. Kamaluddin, Advocate

Mr. Shashi Kumar, Advocate.

For the State : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 01-02-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint Case No. 1138 of 2010, Tr. No. 891 of 2015** instituted for the offence under Section 138 of N.I. Act and Section 420 of the Indian Penal Code.

There is allegation in the written report that petitioner took loan of Rs.42,500/- from the informant and he did not return the amount. The petitioner gave three account payee cheques to the complainant which bounced.

It has been submitted on behalf of the petitioner that he is ready to make payment of the amount of cheque which got bounced within a period of three months.



In such circumstances, this application is disposed off with direction to the petitioner to surrender in the court below i.e. **Sri T.P. Singh, Judicial Magistrate, 1st Class, Gaya**, within a period of four weeks along with affidavit that he will make payment of amount of cheques which got bounced totaling Rs.6,327/- within a period of three months from the date of surrender in the court below and in that event the court below will grant anticipatory bail to the petitioner in connection with **Complaint Case No. 1138 of 2010/Tr. No. 891 of 2015** to its own satisfaction. 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) petitioners 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 petitioners tamper 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.

In the event the petitioner fails to make payment of the aforesaid amount within three months, the informant will be at liberty to file a petition before the court below for cancellation of



anticipatory bail granted to the petitioner and the court below will pass appropriate order in accordance with law including cancellation of bail bond of the petitioner without being prejudiced by this order.

(Sanjay Priya, J)

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