

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9073 of 2018

Arising Out of PS.Case No. -327 Year- 2016 Thana -CHAPRA TOWN District- SARAN

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1. Arun Kumar Tiwary, Son of Late Raj Kishore Tiwary, Resident of Laxmi Niwas, State Bank Colony, P.O. Chapra, P.S. Chapra Town, District-Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Planning Officer, Saran at Chapra, District-Saran at Chapra.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anita Kumari

For the Opposite Party/s : Mr. Rajballabh Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 20-04-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks anticipatory bail in a case instituted for the offences under Sections 406, 420 and 120(B) of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

The petitioner has taken a tender to supply 70 number of School buses, out of that he has supplied 48 buses and rest he has not supplied. As per petitioner total amount comes to Rs.2,21,64,426/- except the interest amount.

Learned counsel for the petitioner submits that petitioner is ready to return the principle amount in installments



of Rs.25 lacs per month. The petitioner should deposit the amount of Rs.25 lacs per month till it is liquidated. The State will be at liberty to go for recovery of interest amount.

In view of statement made by the petitioner, in the event of arrest or surrender within four weeks from today, let petitioner, namely, Arun Kumar Tiwary, be released on provisional anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Town P.S. Case No.327 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that if the petitioner would fail to make payment or his cheque is bounced in both circumstances the provisional bail granted to the petitioner will be treated to have been withdrawn. After liquidating the entire amount the bail will be treated to have been confirmed.

Accordingly this application is disposed of.

Vinay/-

(Shivaji Pandey, J)

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