

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18347 of 2018

Arising Out of PS. Case No.-134 Year-2017 Thana- MAGADH UNIVERSITY District- Gaya

=====

Raushan Raj, Son of Arun Singh, Resident of Village- Ghantadih, P.S.-
Magadh Vishwavidyalaya, District- Gaya.

... .. Petitioner/s

Versus

1.The State of Bihar.
2. Praween Kumar S/o- Ghanshyam Sharma, resident Kashthua, P.S. Paraiya,
district- Gaya.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta
For the Opposite Party/s : Mr. Smt. Anita Kumari Singh

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 27-06-2018 Heard learned counsel for the petitioner learned
counsel for the informant and learned counsel for the State.

Petitioner apprehends his arrest in Magadh
Vishwavidyalaya P.S. case no. 134 of 2017 instituted for the
offence under Sections 406, 420, 467, 468 and 120B of the
Indian Penal Code.

Learned counsel for the petitioner submits that he
is ready to make payment of Rs. 4,00,000/- which is alleged to
have been received by him from the informant. He, however,
makes prayer that some installment may be fixed for making
payment to the informant.

The informant has no objection to such submission



of the petitioner. It is further submitted that informant will have liberty to make demand of the remaining amount from the other persons who are also accused in this case.

In such circumstances, the application is disposed off with direction to the petitioner to surrender before the Court below i.e. ACJM-IX, Gaya in connection with Magadh Vishwavidyalaya P.S. case no. 134 of 2017 within a period of eight weeks from the date of receipt/production of a copy of this order along with valid receipt to show that he has paid the first installment of Rs. 1,00,000/- (One Lakh) by way of demand draft to the informant and also an affidavit that he will make payment of remaining amount in six installments and in that event the Court below will release the petitioner on provisional anticipatory bail to its own satisfaction for a period of six months, 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 petitioner.

The petitioner will make payment of the remaining amounts in installments by demand draft and after submitting valid proof of making payment of entire amount of Rs. 4,00,000/- within aforesaid period, the Court below will confirm the provisional anticipatory bail of the petitioner.

It is made clear that in the event the petitioner does not surrender with valid receipt showing payment of the amount of first installment as indicated in the order above or in the event of making default in 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. The payment made by the petitioner to informant will be subject to the final decision of the case.

The application is disposed off.

(Sanjay Priya, J)

shyambihari/-

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

