

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2936 of 2018

Arising Out of PS. Case No.-173 Year-2017 Thana- RAMPUR District- Gaya

1. Dr. Baban Kumar Soni @ B. K. Soni, son of Shyam Sundar Sao @ Shyam Sundar Prasad, r/o village- Nauranga, P.S.- Muffasil, District- Gaya.
2. Rustam Alam, son of Zafruddin Alam, r/o Mohalla- Ghugharitand, P.S. - Vishnupad, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Md. Sahnawaz son of Md. Salim r/o Mohalla Gewal Bigha, P.S.- Rampur, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad
For the Opposite Party/s : Mr. Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7 14-05-2018 Heard learned counsel for the petitioners and learned APP
for the State as well as counsel for the informant.

Petitioners apprehend their arrest in **Rampur P.S. Case No.173 of 2017** instituted for the offence under Section(s) 420, 467, 468 and 471/34 of the Indian Penal Code.

It has been submitted that as per settlement arrived at between the parties he has earlier issued cheque of Rs.4,50,000/- which got bounced for which the informant has filed another case against the petitioners. Learned counsel for the petitioners submits that he is handing over two demand drafts for total consideration amount of Rs.4,50,000/- in favour of informant vide D.D. Nos.001653 and 001669 dated 25.04.2018 and 09.05.



2018 respectively issued by Axis Bank.

Learned counsel for informant has appeared and submitted that he will take appropriate action for final disposal of another case which has been filed for bouncing of the cheque, in the event the amount is received in the account.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within four weeks from today in connection with **Rampur P.S. Case No. 173 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **learned Chief Judicial Magistrate, Gaya** 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 petitioners 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.

It is made clear that in the event the amount of demand draft which is supplied today is not credited in the account of the informant for some reason or other the bail bond of the petitioners will liable to be cancelled by the court below.

(Sanjay Priya, J)

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