

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33393 of 2018

Arising Out of PS. Case No.-1377 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Dinesh Kumar Gupta S/o Shri Mahuli Saw, R/o Vill.- Shrirampur Tola,
Khedalpur, P.O. + P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ranjit Kumar S/o Late Jhunna Lal, R/o Mohalla- Kazi Mohalla, P.O. + P.S.-
Maner, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Kant Kumar

For the Opposite Party/s : Mr. Sri Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 18-06-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in complaint case no.
1377 (c) of 2017 instituted for the offence under Section(s)
420 of the Indian Penal Code and Section 138 of N.I. Act.

As per the allegation in the complaint petition the
petitioner took a loan of Rs. 40,000/- from the complainant and
gave a cheque of Rs. 40,000/- to the complainant and when the
aforesaid cheque was presented in the Bank the same was
returned with endorsement that petitioner has made request
with the Bank to stop the payment.. The petitioner made
promise to the complainant to return the loan amount but he



refused to do so.

Learned counsel for the petitioner submits that petitioner is ready to make payment of the amount of Rs. 40,000/- to the complainant in four equal installments.

In such circumstances, the application is disposed off with direction to the petitioner to surrender before the Court below i.e. ACJM-V at Danapur, Dist. Patna in connection with complaint case no. 1377 (c) of 2017 within a period of one month 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. 10,000/- (Ten thousand) by way of demand draft to the complainant and also an affidavit that he will make payment of remaining amount in three installments and in that event the Court below will release the petitioner on provisional anticipatory bail to its own satisfaction for a period of four 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. 40,000/- 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 complainant will be subject to the final decision of the case.

The application is disposed off.

(Sanjay Priya, J)

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