

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2460 of 2018

Arising Out of PS.Case No. -319 Year- 2016 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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Ajit Kumar son of Shri Jagdish Singh, P.O. + Vill- Sona, Gopalpur, P.S.
Gopalpur, Dist- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Santosh Kumar son of Mahesh Sharma, Moh- Murlidhar Colony, P.S.
Jehanabad, District Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar Upadhyay

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-01-2018 Heard the learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks anticipatory bail in connection with
Complaint case no. 319 of 2016 registered for the offences
punishable under Section 420 of Indian Penal Code.

The case of the prosecution as per the complaint petition
is that the complainant and the petitioner are friends and thereafter
they are said to have made an agreement on stamp paper for the
purposes of purchase of 15 kathas of land and the complainant is
said to have given a cheque of Rs. 1 lac to the petitioner herein.
However, subsequently, the complainant had demanded the said
amount of Rs.1 lac wherein the petitioner had given a cheque of
Rs. 1 lac, but the same had bounced.



The learned counsel for the petitioner submits that the petitioner is innocent, however, he is willing to deposit a sum of Rs. 1 lac with the learned trial court subject to result of the case.

Having regard to the facts and circumstances of the present case, it is directed that the petitioner would deposit a sum of Rs. 1 lac before the Nazarat of the concerned civil court. For the purposes of said deposit, the first instalment of Rs. 25,000/- shall be deposited within one week, whereafter the petitioner would surrender before the learned court below and he would be enlarged on provisional anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Complaint case no. 319 of 2016, subject to the conditions enumerated under Section 438(2) of Code of Criminal Procedure.

It is further directed that the rest of amount of Rs. 75,000/- would be deposited by the petitioner in three installments within two months, starting from 31st January, 2018 on which date 1st installment of Rs.25,000/- shall be deposited, whereafter 2nd installment of Rs. 25,000/- would be deposited on or before 15th February, 2018 and the balance amount of Rs. 25,000/- would be deposited on or before 10th March, 2018. Upon deposit of the entire amount, the provisional anticipatory bail granted to the petitioner would be



made absolute.

It is further directed that in case the complainant approaches for withdrawal of the aforesaid amount of Rs. 1 lac, the same shall be handed over to the complainant upon furnishing sufficient security to the satisfaction of the learned trial court.

In case of any failure to deposit the installment by the petitioner would lead to cancellation of the privilege of anticipatory bail and the petitioner would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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