

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52375 of 2017

Arising Out of PS. Case No.-117 Year-2017 Thana- CHATOUNI District- East Champaran

Abdul Kalam Kari @ Abdul Kalam @ Kari, Son of Abdul Aziz, Resident of Mohalla Village- Nakched Tola, P.S.- Motihari Town, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Md. Hamid Iqbal S/o Syed Md. Kazim Moh-Balua Tal, P.S. Motihari(T), East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7 05-04-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Chhatauni P.S. case no. 117 of 2017 instituted for the offence under Section(s) 406 and 420 of the Indian Penal Code and Section 138 of the N.I. Act.

Learned counsel for the petitioner submits that petitioner is ready to make payment of Rs. 2,50,000/- (Two lacs fifty thousand) in ten equal installments to the informant subject to final decision of the case. Counsel for the informant has no objection to such proposal of the petitioner.

In such circumstances, the application is disposed off with a direction to the petitioner to surrender before the court



below i.e. CJM, East Champaran, Motihari, in connection with Chhatauni P.S. case no. 117 of 2017 within a period of four 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. 25,000/-(Twenty five thousand) by way of demand draft to the informant in terms of the order of this Court and in that event the court below will release the petitioner on provisional anticipatory bail for a period of ten 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.

Thereafter, the petitioner will make payment of the remaining amount(s) in installments within the aforesaid period and thereafter 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 and in the event of default in making payment(s) in installments, the court below will be at liberty to pass appropriate order in accordance with law. The payments made by the petitioner to the informant will be subject to the final decision of the case.

The application is disposed off.

(Sanjay Priya, J)

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