

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3181 of 2018

Arising Out of PS.Case No. -86 Year- 2017 Thana -DIGHALBANK District- KISANGANJ

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1. Santosh Kumar Choudhary S/o Manmohan Choudhary, R/o Village-Pothimari, P.S.- Dighalbank, District- Kishanganj, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rijwan Ahmad, s/o late Abul Alam, r/o vill-Tulsia, PS- Dighalbank, Dist-Kishanganj (Bihar)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-03-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Dighalbank PS case no. 86 of 2017 registered for the offences punishable under Sections 406, 420 of Indian Penal Code.

The allegation is regarding the petitioner having taken a sum of Rs. 5 lacs from the informant, however subsequently, he failed to return the same back and upon demand being made, the petitioner is said to have refused to pay the outstanding amount to the informant.



The learned counsel for the petitioner, at the very outset, submits that the petitioner is ready to repay the said amount of Rs. 5 lacs but some installments may be fixed.

The learned counsel for the informant, on the other hand, has submitted that as long as the petitioner agrees to return back the entire amount, he has no objection for grant of anticipatory bail to the petitioner herein.

Having regards to the facts and circumstances of the case, I deem it fit and appropriate to direct the petitioner herein to repay the aforesaid amount of Rs. 5 lacs by depositing a sum of Rs. 50,000/- in the first week of each month before the *Nazarat* of the Civil Court for a continuous period of 10 months so that Rs. 5 lacs can be liquidated. It is directed that the first instalment of Rs. 50,000/- be deposited on or before 7th April, 2018, whereafter the petitioner shall surrender before the court below on or before 14.04.2018 and he shall be then released on provisional anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Kishanganj in connection with Dighalbank PS case no. 86 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure. It is made clear that the petitioner shall deposit the



rest of the nine monthly instalments of Rs. 50,000/- each in the first week of every month.

It is further directed that the aforesaid amount, so deposited with the *Nazarat* of the Civil Court, shall be disbursed to the informant of this case upon an application being made by him from time to time. It goes without saying that after payment of the entire sum of Rs. 5 lacs, the aforesaid privilege of provisional anticipatory bail shall be confirmed by the concerned Court and in case of any default in payment of the instalments, the present privilege of provisional anticipatory bail/ anticipatory bail shall stand cancelled automatically.

Accordingly, the petition is disposed of.

(Mohit Kumar Shah, J)

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