

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6955 of 2018

Arising Out of PS.Case No. -484 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Ajay Kumar, S/o Suresh Prasad,
2. Jaimani Devi @ jaimanti Devi, W/o Ajay Kumar,
Both R/o Village- Karpi P.S.- Arwal, District- Arwal at present R/o
Indrapuri, Sipara, Anisabad, P.S.- Beur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ranju Kumari, W/o Sri Dhananjay Kumar Kaushal, R/o Pratima
Residency, New Purandarpur, P.S.- Jakkanpur, Post- G.P.O. District-
Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate

For the Opposite party No. 2: Mr. Brajesh Kumar Singh, Advocate.

For the State : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 04-04-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint**
Case No. 484 (C) of 2016 instituted for the offence under
Sections 406 and 120B of the Indian Penal Code.

Learned counsel for the petitioners has submitted that
he has already returned Rs.2,00,000/- to the informant. He is ready
to return Rs.3,50,000/- in installments. He admits to have received
Rs.5,50,000/- from the informant as private loan.

Learned counsel for the informant (Opposite Party
No. 2) has appeared and submitted that petitioner has received



total amount of Rs.6,00,000/- from the husband of the complainant.

In the complaint petition there is allegation that on 26.07.2013, the petitioners have taken loan of Rs. 50,000/- from the complainant husband with promise to return the same before 10.08.2013. It is further alleged that on 8.9.2014 the petitioner again took Rs.5,50,000/- as loan from the complainant after giving sale deed of the house as Security to the informant, but the petitioner failed to return the amount in question. Thereafter, the Complainant sent legal notice to the petitioner.

This Court without going into the facts as stated above, directs the petitioner to make payment of amount of Rs.3,50,000/- to the complainant as admitted by the petitioners subject to the final decision of the case within a period of one year from the date of his release.

Considering the facts and circumstances of the case, this application is disposed off with a direction to the petitioner to surrender in the court below within a period of four weeks from the date of receipt of this order with valid receipt showing payment of Rs.50,000/- to the informant by way of Demand Draft and in that event, Smt. Sarika Vahalia, learned Judicial Magistrate, 1st Class, Patna, will release the petitioner on provisional



anticipatory bail for a period of one year to its own satisfaction in connection with Complaint Case No. 484 (C) of 2016 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 remaining amount of Rs.3,00,000/- to the complainant within one year and after making full payment of the entire amount to the complainant and on producing valid receipts showing payment of the entire amount by way of demand draft, the court below will confirm the provisional anticipatory bail of the petitioner after one year.

It is made clear that in the event the petitioner does not surrender with receipt showing payment of Rs.50,000/- or he makes default in making payment of entire amount as ordered above in installments, the court below will be at liberty to pass



appropriate order in accordance with law including cancellation of provisional anticipatory bail granted to the petitioner.

In the event of making payment of entire amount to the complainant by the petitioner, the petitioner will file necessary petition in the court below for passing final order in the case expeditiously. The petitioner is also given liberty to file petition before the court below for taking back the papers which are with the complainant after making payment of the amount as ordered above.

S.Ali/-

(Sanjay Priya, J)

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