

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9936 of 2018

Arising Out of PS. Case No.-18 Year-2016 Thana- PATNA COMPLAINT CASE District- Patna

Shatrudhan Sah @ Sadhujee, Late Laddu Lal Sah, Resident of Janta Flat, Block No.- 5, EF 195, Bahadurpur Housing Colony, Bhootnath Road, North to Shiv Mandir and Near to Old Agam Kuan, Post- Bahadurpur Housing Colony, Police Station- Agam Kuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ram Lal Rai, Son of Late Fakira Rai, At present R/o M.I.G. Semi Constructed Sector-7, Block- 1, Near Aprajeeta Apartment, Police Station- Agam Kuan, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Advocate
For the State : Mr. Indra Kumar Singh, APP
For the Complainant : Mr. Rudal Pd. Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

5 16-05-2018 Heard learned counsel for the petitioner and learned APP for the State and the complainant.

Petitioner apprehends his arrest in Complaint case no. 18 of 2016 instituted for the offence under Section(s) 418 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is ready to make payment of the principal amount of Rs. 50,000/- and 87, 684/- as mentioned in the statement of account at running page nos. 15 and 16 of the bail petition. It is further



submitted that in the complaint petition itself it has been admitted that an amount of Rs. 13,500/- has been paid by the petitioner to the informant by way of demand draft. It is further submitted that he is ready to make payment of Rs. 1,24,184 to the complainant after deducting the amount of Rs. 13,500 in five equal installments subject to final decision of the case.

Counsel for the complainant 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. Additional Chief Judicial Magistrate-VI, Patna City , in connection with Complaint case no. 18 of 2016 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 complainant in terms of the order of this Court and also an affidavit that he will make payment of remaining amount in four equal installments by 15th of every month and in that event the court below will release the petitioner on provisional anticipatory bail to its own satisfaction for a period of six 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 four equal installments by 15th of every month by way of demand draft and after submitting valid proof of making payment of entire amount of Rs. 1,24,184/- within the stipulated 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 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 the complainant will be



subject to the final decision of the case.

The application is disposed off.

(Sanjay Priya, J)

shyambihari/-

U		T	
---	--	---	--

