

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63798 of 2018

Arising Out of PS.Case No. -351 Year- 2018 Thana -DANAPUR District- PATNA

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1. Baleshwar Prasad, Son of Late Kameshwar Prasad, Resident of Suncity Colony, Lane No. 2, Gola Road, P.S.- Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate.
For the State : Dr. Ajeet Kumar, A.P.P.
For the informant : Mr. Binod Murari Mishra, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 29-10-2018 Heard learned counsel for the petitioner, counsel for the informant and the State.

The petitioner seeks bail in Danapur P.S. Case No. 351 of 2018 instituted for the offence under Sections 420, 406 of the Indian Penal Code read with Section 138 of N.I. Act.

In the written report it is alleged that petitioner took loan from the informant and issued two Cheques of Rs.3,62,500/- each for consideration of the loan amount. It is further alleged that when aforesaid cheques were produced by the informant in the Bank, the same got bounced.

Counsel for the petitioner submits that petitioner is ready to make payment of the amount of the cheques after deducting amount of Rs.1,30,000/- which allegedly the petitioner



has paid to the informant. Counsel for the petitioner further submits that he will make payment of Rs.1,00,000/- at the time of furnishing bail bond in the court below. Thereafter, he will make payment of remaining amount in equal installment of Rs.50,000/- each in every month.

Counsel for the informant has appeared. He has no objection to such proposal made by the petitioner.

In such circumstances, the application is disposed off with a direction to the petitioner to deposit amount of Rs.1,00,000/- by way of Demand Draft in the name of informant in the court below at the time of furnishing bail bond which will be handed over to the informant by the court below without delay on same day. Petitioner will also file affidavit that he will pay the remaining amount in equal installment of Rs.50,000/- each to the informant as mentioned above. Thereafter, the court below i.e. learned Additional Chief Judicial Magistrate-I, Danapur, Distt. Patna, will release the petitioner on provisional bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each in connection with Danapur P.S. Case No. 351 of 2018, subject to the condition that both the bailors will be the close relatives of the petitioner.



The petitioner is directed to deposit remaining dues amount every month in installment of Rs.50,000/-. The installment will be payable by 15th of every month and after making full payment of the entire amount to the informant as mentioned in the order, the provisional bail granted to the petitioner will be confirmed by the court below.

It is made clear that in the event petitioner commits default in making payment of single installment, the court below will be at liberty to pass appropriate order including cancellation of bail bond of the petitioner.

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(Sanjay Priya, J)

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