

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6050 of 2019

Arising Out of PS. Case No.-102 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Mukesh Lal Late Pyare Lal Resident of Mohalla - Gajadharchak, Jhakhri
Mahadev, near the Khatal of Sagar Ram, Police Station Danapur, Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinku Kumar Shambhu Prasad Resident of New Panchwati Nagar, Bhatthha
Road, Near binda Ray

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Kumar
For the Opposite Party/s	:	Mr. Rajendra Prasad Nat
for the O.P. No. 2	:	Mr. Vishwa Mohan Choudhary

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-09-2019 Heard learned Counsel for the petitioner, learned

Counsel for the informant and learned Additional Public

Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Complaint Case No. 102 (C) of 2016, in which
cognizance under Section 420 of the Indian Penal Code has
been taken against the petitioner.

The allegation against the petitioner, as per the
complaint, is that the petitioner took a sum of Rs. 1,55,000/-
from the complainant on the promise that he will execute a sale
deed of his share in a joint family house, situated at Danapur.

Learned Counsel for the petitioner submits that the



fact of the matter is that a loan of Rs. 1,55,000/- was taken by the petitioner from the complainant, but due to unavoidable circumstance, he could not repay the amount in question, however, he is ready to refund the said amount to the complainant. He further submits that the petitioner, right now, has been suffering from liver cancer and he will refund the amount within a period of one year from today.

The offer made by learned Counsel for the petitioner has been accepted by learned Counsel for the complainant.

Having regard to the above, let the petitioner, Mukesh Lal, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Danapur, in connection with Complaint Case No. 102 (C) of 2016, subject to the conditions (i) laid down under Section 438 (2) of the Code of Criminal Procedure, (ii) that a sum of Rs. 25,000/- shall be paid by the petitioner to the complainant within a period of four weeks from today and the petitioner, at the time of surrender, shall attach the proof of payment of a sum of Rs. 25,000/- along with his surrender -cum- bail application and (iii) the petitioner will pay the rest



amount positively within a period of one year from today in equal monthly instalments.

This application is allowed with the observations, as above.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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