

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7707 of 2019**

Arising Out of PS. Case No.-893 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Niraj Kumar Singh, Son of Late Tirlochan Prasad Singh @ late Trilochan Prasad Singh Permanent village- Dhauri, P.S- Rajpur, P.S- Belhar, Dist- Banka, At present residing at Badovast , Karyalaya, Bhagalpur (Combined Building) , P.S- Adampur, Dist- Bhagalpur
 2. Raina Kumari, Wife of Niraj Kumar Singh, Permanent village- Dhauri, P.S- Rajpur, P.S- Belhar, Dist- Banka ,At Present residing at ARH High School 10 plus 2 Dharhara, P.S- Munger

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Abhay Kumar Pandey, Son of Mohan Pandey, R/o village- Rudpaii, P.O and P.S- Shambhuganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate
For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

4 01-07-2019 This is an application for grant of anticipatory bail in connection with Complaint Case No.893 of 2018, disclosing offences under Section 406 of the Indian Penal Code and Section 138 of N.I. Act.

Complaint petition disclosed an allegation against the petitioner that he has taken Rs. 4,25,000/- from the complainant and when he demanded the money back, he returned only Rs.73,000/- and the rest amount of Rs.3,52,000/- is due with them, which has not been returned by the petitioners.

Submission of the learned counsel for the petitioners



is that they have paid some amount and they are still ready to pay the rest of the amount in equal installments. Further submission of the learned counsel for the petitioners is that they have already given a cheque of Rs.70,000/- to the opposite party no.2 for recovery of the same amount.

On the other hand, learned counsel for the opposite party no.2 has submitted that he has no objection if the petitioners are ready to pay the rest of the amount in installments.

In such view of the matter, let the petitioners, above named, surrender before the court below within three weeks from the date of receipt of this order, with a bank draft of Rs.1,00,000/- (one lakh) issued in the name of opposite party no.2, once the same is paid, they will be released on provisional bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Complaint Case No.893 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure with further condition that they will pay the rest of the amount in two installments, first Rs.1,00,000/- and next to first payment second installment for a sum of



Rs.47,000/- in next two months and on that their bail bonds shall be confirmed.

In the meantime, the petitioners are directed to return the cheque issued to him by the opposite party no.2 after payment of the second installment.

The aforesaid amount paid shall be released in favour of the opposite party no.2 at once by filing of a petition undertaking.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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