

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16025 of 2019**

Arising Out of PS. Case No.-757 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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DIPAK SHARMA @ DEEPAK KUMAR SHARMA S/O Late Brij Bihari
Sharma Resident of - U/453, Lohia Nagar, P.S.- Kankar Bagh. Distt.- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Virendra Kumar Sharma S/O Late Shiv Shankar Singh Resident of Village-
Amhara, P.S.- Bihta. Dist-Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Shankar Choudhary

For the Opposite Party/s : Mr.Ram Anurag Singh

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

4 01-08-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No. 757(C) of 2016 registered for offences punishable under Sections 420 of the Indian Penal Code and Section 138 of the N.I.Act.

Allegation as per the FIR complaint petition is that the complaint has given a loan of Rs.2,61,000/- to the petitioner but he did not not return the loan amount, therefore, a legal notice was given to him and thereafter two cheques were given by the petitioner but on production in the bank, that have bounced.

Submission of the learned counsel for the petitioner is that he had already paid some of the amount and only



Rs.99,000/- is due with the complainant and he is ready to pay the same for which he seeks some reasonable time, whereas the submission of the learned counsel for the complainant is that still Rs.1,11,000/- is due with the petitioner.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, this application is disposed of with direction to the petitioner to surrender by 22.8.2019 and on that day he will produce a bank draft of Rs.36,000/- in favour of the Opposite Party No.2 on that he will be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Smt. Nutan Kuamri, J.M. Ist Class, Danapur, Patna in connection with Complaint Case No.757© of 2016 subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, for a period of three months and during that period, he will pay rest of the amount in three equal installments of Rs.25,000/- each by bank draft in the name of the O.P.no.2 and once the total amount is deposited, the provisional bail of the petitioner shall be confirmed.

At the same time, it is made clear that failure to deposit any installment, his bail bond shall stand cancelled.



It is also made clear that once the amount is deposited ,on filing of application by the O.P.no.2 with an undertaking that he will abide by final outcome of the case, the same shall be released in favour of the O.P.no.2

It is also expected that as the petitioner is ready to deposit the amount , on payment of the total amount, Opposite Party no.2 shall withdraw all the cases against the petitioner.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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