

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15882 of 2019**

Arising Out of PS. Case No.-724 Year-2018 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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SUSHIL KUMAR CHHAPARIA @ SUSHIL CHHAPARIA, Son of Late
Radhey Shyam Chhaparia, Resident of Parao Pokhar, P.S.-
Kajimohammadpur, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pawan Kumar Lohia, son of late Mohan Lal Lohia, r/o Prakash Sarani
Lane, Pani Tanki Chowk, P.S.-Mithanpura, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Mouar, Advocate
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP
For the O. P. No.2	:	Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 29-05-2019 Heard learned counsel for the petitioner and learned
APP for the State as well as counsel for the OP No.2.

Petitioner seeks bail in **Town P.S. Case No.724 of
2018** instituted for the offence under Section(s) 420, 409, 504,
506/34 Indian Penal Code and Section 138 of the Negotiable
Instruments Act.

It is alleged that petitioner received total
Rs.98,50,000/- from the informant for sale of the land, but sale
deed has not been executed.

Counsel for the informant submits that as per
Annexure-2, the petitioner received total Rs.98,50,000/- from



the informant. He has issued different cheques for return of the amount, but all those cheques have bounced.

Counsel for the petitioner submits that Rs.37,50,000/- was paid in the account of landlord Anil Kumar Nemani. He further submits that petitioner has already given Rs.10 lac to the informant as per Annexure-2.

Counsel for the petitioner further submits that he is ready to make payment of the remaining amount after deducting the amount paid to landlord i.e. Rs.37,50,000/- and the amount of Rs.10,00,000/- given to the informant in cash by the petitioner which comes i.e. Rs.51,00,000/- in four equal installments.

In view of such, petitioner is directed to make payment of first installment of the remaining amount i.e. Rs.51,00,000/- to the Informant through Demand Draft within a period of one month from the date of this order and, in that event, the petitioner, above named, shall be released on **provisional bail for a period of six months** on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Muzaffarpur**, in connection with **Town P.S. Case No.724 of 2018**, subject to the condition that both the bailors



shall be close relative of the petitioner.

Thereafter, the petitioner will make payment of the remaining three installments within a period of six months from the date of his release.

The Court below will confirm the provisional bail of the petitioner after making payment of entire amount. In the event, the petitioner fails to make payment of entire amount within the stipulated period, his bail bond shall stand automatically cancelled.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

J. Alam/-

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