

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18849 of 2019

Arising Out of PS. Case No.-12 Year-2019 Thana- KAHALGAON District- Bhagalpur

MD. KALAM Son of Md. Moin Resident of Mohalla - Kazipur, P.S.-
Kahalgaon, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 26-06-2019 This application, for grant of anticipatory bail, arises out of Kahalgaon P.S. Case No. 12 of 2019, disclosing offences under Sections 406 and 420 of the Indian Penal Code and Section 138 of the N.I. Act.

Allegation against the petitioner, who is a broker is that he taken an amount of Rs. 6,01,000/- from the informant on the pretext of sell of a land, later on informant came to know that the land in question belonged to the Indian Railway and when the informant asked the petitioner to return the money, he issued a cheque, which was dishonoured by the Bank on presentation.

At the very outset, learned counsel for the petitioner submitted that the petitioner is ready to return the aforesaid amount, if some reasonable time is granted to him.

Heard learned A.P.P. also as well as learned counsel for the informant. Learned counsel for the informant agreed to the offer



given by the petitioner.

Having heard both sides, considering the the above submissions, this application is disposed of with direction to the petitioner to surrender in the court below on 25.07.2019 along with a cheque of Rs. 1,01,000/- (Rs. One Lakh and One Thousand) drawn in favour of the informant and the court below after verifying the same shall release the petitioner on provisional bail to his own satisfaction on furnishing bail bonds of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount for a period of five months, during which, the period the petitioner will return the remaining amount to the informant by monthly installment of Rs. 1,00,000/- (Rs. One Lakh) to be paid in the first week of each month through Cheque. Once the total amount is returned to the informant, the court below shall confirm the provisional bail of the petitioner.

It is made clear that if the petitioner fails to pay any of the installment, provisional bail granted to him shall stand cancelled.

This application is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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