

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34044 of 2019

Arising Out of PS. Case No.-588 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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1. JITENDRA MAHTO Son of Daulat Mahto Resident of Village - Bandh Gauri Dipatoli, District- Ranchi (Jharkhand)
 2. Manish Kushwaha Son of Raghunandan Kushwaha Resident of Village - Chutiya, P.S.- Chutiya, District- Ranchi (Jharkhand)
 3. Dilip Kumar Son of Hari Prasad Resident of Village - Bandhgari, Dijpatoli, District- Ranchi (Jharkhand)
 4. Santosh Kumar Son of Sri Shankar Prasad Resident of Village - Chutiya, P.S.- Chutiya, District- Ranchi (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Girija Nandan Sharma Son of Late Bachchu Sharma Resident of Village and P.O.- Tej Bigha, P.S.- Kato, District- Jehanabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha
For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 23-08-2019 This application, for grant of anticipatory bail, arises out of Complaint Case No. 588/18, disclosing offences under Sections 406, 420, 467, 468, 471 and 120B of the Indian Penal Code.

Allegation against the petitioners is that they have executed the sale deed in favour of complainant after creating forged documents and taken consideration money of the plots and when the complainant asked the petitioners to return his money, they assured that his money will be given and thereafter



they issued three cheques of Rs. Eleven Lakhs, which was dishonored by the Bank on presentation on account of insufficient balance.

Submission of learned counsel for the petitioners is that petitioners are still ready to return the amount of Rs. Eleven lakhs to opposite party no. 2, if some reasonable time is allowed.

Nobody appears on behalf of complainant - opposite party no. 2, though a Vakalatnama has been filed on his behalf.

Heard learned A.P.P. also.

Having heard both sides, in view of the above facts, let petitioners surrender before the court below on 11.09.2019 along with a bank draft of Rs. One Lakh drawn in favour of complainant – opposite party no. 2 and the court below after verifying the same shall release the petitioners on provisional bail for a period of five months on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to his satisfaction with condition that during the above period of five months, the petitioner shall deposit the reamaining amount of Rs. Ten Lakhs by way of equal monthly installments of Rs. Two Lakhs payable in the second week of each month by a bank draft drawn in favour of



complainant – opposite party no. 2. Once the total amount is being deposited, the court below shall confirm the provisional bail of the petitioner.

If any application is filed by the opposite party no. 2 for withdrawal of the aforesaid amount, the court below shall release the same in favour of opposite party no. 2 with an undertaking that he will abide by final out come of the case.

It is also made clear that the above amount to be deposited by the petitioners shall be subject to the outcome of the case and at the same time the deposit will not prejudice the case of the petitioners.

(Vinod Kumar Sinha, J)

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