

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56290 of 2018

Arising Out of PS. Case No.-146 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Vishnu Dayal Paswan S/o Late Ram Sewak Paswan,
 2. Ram Singari Devi W/o Vishnu Dayal Paswan, Both R/o Vill.- Dayalpur ,P.S.- Rajapakar, District- Vaishali, At present Alamganj, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sanjila Kumari W/o Madhukar Anand, R/o Vill.- Pauni Hasanpur, P.S.- Vaishali, District- Vaishali. At present Government Polytechnic, Quarter No. 6, Post- Guljarbagh, P.S.- Alamganj, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prabhat Kumar Dipak, Adv. Mr. Shashankdhar Shekhar, Adv.
For the Opposite Party/s :		Mr. Dinesh Singh, APP Mr. Pushpendra Priyadarshi, Adv. Mr. Shiva Shankar Prasad Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 21-08-2019 Heard the learned counsel for the petitioners, the learned counsel appearing for the Opposite Party No.2 and the learned A.P.P. for the State.

The petitioners have approached this Court for grant of anticipatory bail in connection with Complaint Case No. 146 (C)/ 2017 registered for the offences punishable under Sections 406/420 of the Indian Penal Code and Section 138 of N.I. Act.

The petitioners are stated to have taken a sum of Rs. 1,70, 600/- from the Opposite Party No.2 by way of friendly



loan and subsequently, they gave two cheques with a view to liquidate the said friendly loan, however, the same was dishonored on account of insufficient funds.

The learned counsel for the petitioners, without going into the merits of the case, submits that the petitioners are ready to deposit Rs. 40,000/- lump sum for the purposes of them being granted anticipatory bail and thereafter would deposit a sum of Rs. 5,000/- per month till the amount in question is liquidated.

The learned counsel appearing for the Opposite Party No.2 submits that strict terms of payment be laid down so that the petitioners do not default in making payment.

Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the petitioners to deposit a sum of Rs. 40,000/- in the Nazarat of the learned civil court at Patna City and upon showing the deposit thereof, the learned court of ACJM, Patna City shall grant provisional anticipatory bail to the petitioners in connection with Complaint Case No. 146(C)/2017, upon such conditions as may be deemed fit and proper to be imposed by the said learned court. It is further directed that starting from the month of October, 2019, the petitioners would deposit a sum of Rs. 5,000/- every month in the first week thereof, till the time the balance amount of Rs.



1,30,600/- is liquidated, whereupon the aforesaid provisional anticipatory bail granted to the petitioners shall be made absolute.

It is made clear that in case of any default in making payment, the bail bonds of the petitioners would be cancelled and the petitioners would be taken into custody forthwith.

It is needless to state that the Opposite Party No.2 shall be at liberty to file a petition for withdrawal of the money so deposited by the petitioners whereupon the learned Court below shall permit withdrawal of the aforesaid money by the Opposite Party No.2.

The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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