

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65381 of 2018**

Arising Out of PS. Case No.-1021 Year-2017 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Lalbabu Sharma S/o Kapildeo Sharma R/o Village-Madanpur,P.S.
Basantpur,Distt.-Siwan

... .. Petitioner/s

Versus

1. State Of Bihar
2. Surendra Prasad S/o Late Ram Surat Das R/o Vill.-Sareya Pahad,P.S.
Sidhwaliya, Distt.-Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi

For the Opposite Party/s : Mr.Sri Jai Narain Thakur

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

4 16-04-2019 Heard learned counsels for the petitioner,

complainant and the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Section 420 of the IPC and
Section 138 of the N.I. Act.

The prosecution case, as per the complaint petition, is to
the effect that the complainant wanted to purchase a J.C.B.
machine from the petitioner for a consideration amount of Rs.
15,60,000/-. Consequently, the complainant paid Rs. 5,75,000/-
to the petitioner and the rest amount was to be paid at the time
of delivery of J.C.B. machine, but neither the J.C.B. machine
was delivered, nor the money was returned to the complainant.



Subsequently, the petitioner gave two cheques, worth Rs. 5,75,000/- to the complainant, which got dishonoured.

Learned counsel for the petitioner submits that the petitioner is ready to return Rs. 5,75,000/- to the complainant within a period of three months in three equal installments by way of bank draft in favour of the complainant. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the complainant submits that the complainant has no objection in grant of provisional bail of the petitioner till the alleged amount is returned by the petitioner.

Considering the present stand of the parties, on deposit of bank draft of first installment before the learned Court below, let the above named petitioner be released on provisional anticipatory bail for three months in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-VI, Gopalganj in connection with Complaint Case No. 1021 of 2017 subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The provisional bail of the petitioner will be



confirmed by the learned Court below on submission of bank draft of entire alleged amount of Rs. 5,75,000/- in three monthly installment in favour of the complainant before the learned Court below within a period of three months.

It is expected from the learned Court below to release the said drafts in favour of the complainant.

(Dinesh Kumar Singh, J)

Amrendra/-

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