

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45488 of 2019

Arising Out of PS. Case No.-20 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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1. NUTAN MALA @ NUTAN DEVI @ KUMARI NUTAN MALA Wife of Raghunath Prasad Singh Owner of M/S Anu Beauty Parlour, M/S Ved Shrinagar Kaushlaya Complex, K/174, Kali Mandir Road, Hanuman Nagar, Kankarbagh, Patna- 800020. Resident of Village- Bangahi, P.O.- Neelkathpur, P.S.- Mahua, District- Vaishali present Address House of Barhamanand Thakur Dwarikapuri, Road No.-1, Kali Mandir Road Hanuman Nagar, Kankarbagh, Patna- 800020.
 2. Vedanshu son of Raghu Nath Prasad Singh Resident of Village- Bangahi, P.O.- Neelkathpur, P.S.- Mahua, District- Vaishali present address house of Barhamanand Thakur Dwarikapuri, Road No.-1, Kali Mandir Road Hanuman Nagar, Kankarbagh, Patna-800020.
 3. Raghu Nath Prasad Singh Son of Rameshwar Prasad Singh Resident of Village- Bangahi, P.O.- Neelkathpur, P.S.- Mahua, District- Vaishali present address house of Barhamanand Thakur Dwarikapuri, Road No.-1, Kali Mandir Road Hanuman Nagar, Kankarbagh, Patna-800020.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Sumitra Kumari Wife of Sunil Bharti Resident of Village- P.O.- and P.S.- Sare, District- Nalanda. present Address- Mohalla- Sanjay Gandhi Nagar, Road No.- 2B, Hanuman Nagar, Kankarbagh, P.S.- Patrakarnagar, Patna- 800020.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kameshwar Singh
For the State	:	Mr.Mithlesh Kumar Khare
For the OP No.2	:	Mr. Uma Shankar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 23-07-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 406 IPC and Section 138 of the N.I. Act registered in connection with Complaint Case No. 20(c) of 2016.



3. It is submitted that the petitioners have been falsely implicated on the accusation of having taken loan of Rs. 12,50,000/- from the complainant-OP No. 2, but the cheques in repayment have bounced. It is submitted that the petitioner nos. 2 and 3 have no role to play in the transaction as they were mere witnesses. It is further submitted that the petitioner no. 1 expresses her readiness to make repayment of the entire amount of loan within a period of 3 to 4 months hereof in instalments. The petitioners claim clean antecedents.

4. Learned counsel for the complainant-OP No. 2 appears *suo motu* and submits that the loan was taken by the petitioner no. 1 in the year 2014, but the same has not been repaid despite assurances in the past.

5. Be that as it may, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner no. 1 be released on provisional bail and petitioner no. 2 and 3 on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub Judge VIII-cum-ACJM, Patna, in connection with Complaint Case No. 20(C)/2016 subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. The petitioner no. 1 shall be well represented and petitioner no. 2 and 3 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

6. The provisional bail granted to the petitioner no. 1 shall be confirmed if she makes repayment of the entire amount of Rs. 12,50,000/- in instalments to the complainant as stipulated below -



- a) Rs. 50,000/- on or before 31.07.2019.
- b) Rs. 4,00,000/- on or before 31.08.2019.
- c) Rs. 4,00,000/- on or before 30.09.2019.
- d) Remaining Rs. 4,00,000/- on or before 31.10.2019.

7. Failure to make repayment of any two consecutive instalments within the stipulated period as aforesaid shall result in automatic cancellation of the provisional bail granted to the petitioner no. 1.

(Vikash Jain, J)

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