

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50556 of 2019**

Arising Out of PS. Case No.-488 Year-2017 Thana- LAHERIYASARAI District- Darbhanga

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1. MITHILESH MISHRA Son of Late Hem Chandra Mishra Resident of Village - harahi Pokhar South, Ward No.12, Station Road, P.S.- Darbhanga, Dist.- Darbhanga.
2. Anamika Mishra Wife of Mithilesh Jha @ Mithilesh Mishra Resident of Village - harahi Pokhar South, Ward No.12, Station Road, P.S.- Darbhanga, Dist.- Darbhanga.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Dr. Umesh Chandra Jha Son of Shobha Nand Jha Resident of Village - New Bhallbhaddarpur, Police Station- Laherisarai, District- Darbhanga.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar Jha  
For the Opposite Party/s : Mr.Shyam Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      14-08-2019                      This application, for grant of anticipatory bail, arises out of Laheriasarai P.S. Case No. 488 of 2017, disclosing offences under Sections 420, 406 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

Prosecution case is that the petitioners approached the informant and demanded Rs. Ten Lakhs for his some urgent personal needs, the informant tried to avoid but he lastly gave them Rs. Six Lakhs Forty Thousand. Thereafter, the petitioners returned Rs. One Lakh Forty Thousand but did not return the remaining amount of Rs. Five Lakhs in spite of several demands. Ultimately, the petitioners gave a cheque of Rs. Five Lakhs to the



informant, which was dishonored by the Bank on presentation with remarked “insufficient balance”.

Submission of learned counsel for the petitioner is that so far petitioner no. 2 is concerned, there is no allegation that she has taken any money and so far petitioner no. 2 is concerned, he is ready to return the amount of Rs. Five Lakhs, if some reasonable time is allowed, which will be subject to the outcome of the case.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case, so far petitioner no. 2 is concerned, in the event of her arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, in connection with Laheriasarai P.S. Case No. 488 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner no. 1 is concerned, he is directed to surrender in the court below by 11.09.2019 along with a bank draft of Rs. One Lakh payable in the name of informant and the court below after verifying the same shall release petitioner no. 1 on provisional bail for a period of four months on furnishing bail bond of Rs. 25,000/- with two sureties of like amount to his own



satisfaction with condition that the petitioner no. 1 will deposit the remaining amount of Rs. Four Lakhs in four equal installments of Rs. One Lakh to be paid by the petitioner no. 1 through Bank draft in favour of the informant in the first week of each month and once the total amount of Rs. Five Lakh is deposited, the provisional bail of the petitioner will be confirmed.

It is made clear that if the petitioner no. 1 fails to deposit any of the installments, the provisional bail granted to him shall stand cancelled.

Further, if any application is filed by the informant for withdrawal of the aforesaid amount, the court below shall release the same in favour of the informant on undertaking the he will abide by the final outcome of the case.

With the above observation and direction, this application is disposed of.

**(Vinod Kumar Sinha, J)**

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