IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49655 of 2019

Arising Out of PS. Case No.-324 Year-2017 Thana- GAYA COMPLAINT CASE District-Gaya

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1. CHANCHALA DEVI Wife of Sri Hari Shankar Prasad @ Harijee Resident of Village - Suraj Jarda Factory, Chand Chaura, P.S.- Vishunpad, Dist.- Gaya.
2. Hari Shankar Prasad @ Harijee Son of Late Ramdas Prasad Resident of Village - Suraj Jarda Factory, Chand Chaura, P.S.- Vishunpad, Dist.- Gaya.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Rajeev Kumar Son of Late Shiv Kumar Prasad Resident of Village - Chand Chaura, Gabra, P.S.- Civil Lines, Dist.- Gaya.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Md. Javed Jafar Khan
For the Opposite Party/s : Mr.Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

5 04-12-2019 Heard learned counsel for the petitioners, complainant and learned APP for the State.

Petitioners apprehend their arrest in connection with **Complaint Case No. 324 of 2017** instituted for the offence under Section 406 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act .

Learned counsel appearing for the petitioners, in presence

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of the counsel for the complainant, submits that they are willing to deposit 50% of the amount in- question being Rs. 90,000/- in the court below by way of demand draft.

In view of the said submissions, this Court is inclined to allow the petitioners the privilege of anticipatory bail subject to deposit as per undertaking within four weeks.

In the event of surrender/arrest of the petitioners, named above, before the court below, within four (04) weeks from today, on deposit of the amount, stated above, in the Court below, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Judicial Magistrate 1st Class, Gaya,** in connection with **Complaint Case No. 324 of 2017** subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each

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date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

It is made clear that the amount so deposited by the petitioners shall be paid to the complainant.

(Madhuresh Prasad, J)

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