

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52031 of 2019

Arising Out of PS. Case No.-59 Year-2018 Thana- SAHARSA COMPLAINT CASE District-
Saharsa

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KALYAN @ KALYAN KUMAR Son of Narayan Chaudhary Resident of
Village - Gangajala, Ward No.16, P.S.- and Dist.- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manik Prasad Singh Son of Late Balbhadra Prasad Singh Resident of Village
- Gangajala, Ward No.16, P.S. and Dist.- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Md. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 04-11-2019 This application, for grant of anticipatory bail,

arises out of Complaint Case No. 59/18, disclosing offences

under Section 406 of the Indian Penal Code.

Prosecution case is that an agreement for sale and
purchase of six dhurs of land has been entered into between the
petitioner and complainant on a consideration of Rs. Four Lakhs
and Fifty Thousand, out of which, Rs. Three Lakhs has been
paid by the complainant to the petitioner but the sale deed was
not executed. Later on petitioner given two cheques one of Rs.
one lac and another of Rs. Two lac, which were dishonoured by
the bank on presentation.

Submission of learned counsel for the petitioner is



that vide order dated 02.09.2019, on submission of the petitioner that he is ready to return the amount of Rs. Three Lakhs in nine installments, notice was issued to the complainant and he has appeared in this case.

Heard learned A.P.P. as well as learned counsel for the complainant. They have opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the complainant has submitted that in another case of similar nature, petitioner after getting the interim protection on assurance of returning the amount but thereafter, he filed the Criminal writ before this High Court and got the stay in the said criminal writ. However, in spite of that he has no objection if the amount in question is returned.

Having heard both sides, considering the facts and circumstances of the case, let petitioner surrender in the court below within four weeks from the date of receipt of this order in the court below along with a bank draft of Rs. 30,000/- drawn in the name of complainant and the court below after verifying the same, shall release the petitioner on provisional bail for a period of nine months, during which, period, the petitioner shall deposit the remaining amount in the court below by way of nine equal installments of Rs. 30,000/-in the first week of each



month by way of bank draft drawn in favour of complainant and once the entire amount of Rs. 3,00,000/- is deposited, the court below shall confirm the provisional bail of the petitioner.

It is made clear that if the petitioner fails to deposit any of the installments, the provisional bail granted to the petitioner shall stand automatically cancelled.

It is also made clear that if any application is filed by the complainant for release of the aforesaid amount, the same shall be released in favour of the complainant with undertaking that the same will be subject to outcome of the case.

(Vinod Kumar Sinha, J)

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