

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80414 of 2018

Arising Out of PS. Case No.-136 Year-2014 Thana- JAYNAGAR District- Madhubani

Mahadeo Mahto, son of late Sone Lal Mahto, resident of village- Sothigaon,
P.S.-Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar &
2. Lalit Kumar Yadav, son of late Deo Narayan Yadav, resident of village
-Jainagar Ward No.6, Vidya Nagar, P.S.-Jainagar, District- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 09-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in **Jainagar P.S. Case**
No.136 of 2014 instituted for the offence under Section(s) 420
Indian Penal Code and Section 138 of the Negotiable
Instruments Act.

In the written report, it is alleged that informant has
paid Rs.42,000/- to the petitioner in 2011 for supply of bricks,
but neither any bricks were supplied nor money was returned.
The informant has alleged in the written report that petitioner
had given Rs.1400/- in cash as well as two cheques of
Rs.20,000/- and Rs.20,600/-. When he deposited the cheques in
his account, the same got bounced.



Counsel for the petitioner submits that he is ready to return the cheque amount to the informant in two installments.

In such circumstances, this application is disposed off with direction to the petitioner to surrender in the Court below i.e. **Chief Judicial Magistrate, Madhubani**, in connection with **Jainagar P.S. Case No.136 of 2014**, within a period of six weeks from the date of receipt of copy of this order along with Demand Draft of Rs.22,000/- in the name of the informant and, in that event, the Court below will release the petitioner on provisional anticipatory bail for a period of two months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to its own satisfaction.

The petitioner will deposit the next installment of Rs.20,000/- through Demand Draft in the name of the Informant within the period of provisional bail.

After deposit of entire amount i.e. Rs.42,000/-, provisional bail of the petitioner will be confirmed by the Court below itself.

The Court below will handover the Demand Draft to the Informant after issuing notice to him.

(Sanjay Priya, J)

J. Alam/-

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