

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65957 of 2019

Arising Out of PS. Case No.-3472 Year-2007 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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DILIP KUMAR S/o Chalittar Mahto Resident of Village- Pirapur, P.S.-
Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shrimati Indu Singh W/o Late Kapildeo Singh R/o West Gate of R.N.
College, P.S.- Hajipur Town, District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Manish Chandra Gandhi
For the Opposite Party/s :		Mr.Pancha Nand Pandit
For O.P. No. 2	:	Mr. Rajesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-12-2019 This application, for grant of anticipatory bail, arises out
of Complaint Case No. 3472 of 2007, disclosing offences under
Sections 406, 420 of the Indian Penal Code.

Allegation as per complaint petition that petitioner has
taken Rs. Thirteen Lakhs from the complainant with assurance to
return the amount and, thereafter, petitioner issued cheque in favour
of the complainant, which was dishonored by the bank on the plea
that the account has already been closed.

After some argument, learned counsel for the petitioner
has submitted that the petitioner is ready to return the said amount, if
some reasonable time is allowed to him.

Heard learned A.P.P. learned counsel for the complainant.
Learned counsel for the complainant has no objection to that.



Having heard both sides, considering the submission, as above, this application is disposed of with direction to the petitioner to surrender before the court below within six weeks, along with a bank draft of Rs. Three Lakhs, payable in the name of complainant and the court below after verifying the same shall release the petitioner on provisional bail for a period of five months, during which period, the petitioner shall deposit the remaining amount of Rs. Ten Lakhs by way of five equal installments payable in the second week of each month by a bank draft in the name of complainant and once the entire amount is deposited, the court below shall confirm the provisional bail of the petitioner.

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

It is also made clear that if the complainant files an application for release of the aforesaid amount, the same shall be released in his favour with undertaking that the same shall be subject to the final outcome of the case.

(Vinod Kumar Sinha, J)

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