

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63015 of 2019

Arising Out of PS. Case No.-309 Year-2018 Thana- BUXAR COMPLAINT CASE District-
Buxar

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DINESH KUMAR RAI @ DINESH KUMAR Son of Shushil Kumar Rai
Resident of Mohalla - Dakhintola Dumraon, P.S.- Dumraon, Distt - Buxar at
present Branch Managar Oriental Bank of Commerce, Branch Jallalpur
Block, Distt - Hosiyarpur, (Punjab)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Digvijay Satyendra Narayan Son of Late Janardan Singh Resident of Flat
No. 501, Gangotri Apartment, Block - A, Katira Ara, P.S.- Nawada, Distt -
Ara.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lakshmi Kant Sharma
For the Opposite Party/s : Mr.Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 25-10-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged
under Sections 420 of the Indian Penal Code and Section 138 of the
N.I. Act registered in connection with Complaint Case No. 309(c)/2018.

3. It is submitted that the petitioner has been falsely implicated
and in any event without entering into the merits of the matter,
learned counsel for the petitioner submits that the petitioner is
prepared to refund the entire amount of Rs. 13,00,000/- under dispute
and for which purpose he has handed over a demand draft bearing no.
989288 dated 22.10.2019 for Rs. 13,00,000/- drawn on State Bank of
India, New Market Branch, Patna to learned counsel for the
complainant in the Court today.

4. Learned counsel for the complainant accepts the aforesaid
demand draft and refers to para 3 of the counter affidavit containing
an undertaking that he would not proceed with the present case



further.

5. Learned counsel for the petitioner states that bail bond has not been furnished pursuant to grant of provisional bail by order dated 21.10.2019.

6. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Buxar, in connection with Complaint Case No. 309(c)/2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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