

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 70719 of 2018

Arising Out of PS. Case No.-337 Year-2018 Thana- Motihari Town District- East Champaran

Ram Babu Kushwaha @ Ram Babu Prasad Kushwaha S/o Late Sheo Nandan Prasad Kushwaha, resident of Village- Bhawanipur, P.S.- Sangrampur, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. S.M. Rahman

Mr. Sangeet Deokuliar

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 09-01-2019 Sri Binod Kumar Singh, learned counsel for the petitioner, in presence of Mr. S.M. Rahman, learned Addl. Public Prosecutor as well as Sri Sangeet Deokuliar, learned counsel for the informant, submits that petitioner is ready to refund the cheque amount to the informant provided installment is fixed by this Court. The cheque amount i.e. the amount of cheques, which were given by the petitioner to the informant. Learned counsel for the informant on such submission does not oppose the prayer for bail.

The petitioner is in custody since 10-08-2018 in Motihari Town P.S. Case No. 337 of 2018, G.R. Case No. 3493 of 2018 registered for offence under Sections 420, 406/34 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act, 1881.

On perusal of paragraph – 3 of the petition, it is evident that petitioner has been made accused in altogether



seven cases relating to almost same accusation.

Considering the submission made by learned counsel for the petitioner, it is desirable to pass an order for enlarging the petitioner on bail, provided he pays 25% of the cheques amount, through Bank Draft, before his release to the informant. After being released, the petitioner shall clear the remaining amount in six equal monthly installments, which is to be paid through Bank Draft.

With aforesaid condition, the petitioner namely Ram Babu Kushwaha @ Ram Babu Prasad Kushwaha is directed to be released on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, District - East Champaran in connection with Motihari Town P.S. Case No. 337 of 2018, G.R. Case No. 3493 of 2018.

The petitioner can be released only after being satisfied by the court below that he has paid 25% of the said amount through Bank Draft in favour of the informant. It is made clear that if petitioner fails to pay the installment in time, his bail-bond shall stand automatically cancelled.

(Rakesh Kumar, J.)

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