

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13930 of 2020

Arising Out of PS. Case No.-231 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Navin Prakash Son of Late Prasiddha Narayan Sinha Resident of Purandarpur
(Back of Brahmdeo Paswan), P.O. - G.P.O., P.S.- Jakkanpur, Distt - Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Dhananjay Kumar Kaushal Son of Late Ram Lakhan Prasad Singh Resident
of New Purandarpur, P.O. - G.P.O, P.S. - Jakkanpur, Distt - Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Yogesh Chandra Verma, Sr. Adv.
For the State	:	Mr. Ajay Kumar Jha, A.P.P.
For O.P. No. 2		Mr. Ashutosh Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

4 07-09-2020 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State as well as learned

counsel of the opposite party no. 2 (complainant).

Petitioner is in jail custody since 27.05.2017 in
connection with Complaint Case No. 231(C) of 2016 in which
cognizance for the offences punishable under Section 420 of the
I.P.C. and Section 138 of Negotiable Instrument Act has been
taken by the concerned court.

The accusation against the petitioner is that he took
rupees ten lacs for providing one flat to the complainant and
subsequently, issued cheques to complainant but the aforesaid



cheques became bounced when deposited for encashment.

Learned counsel appearing for the petitioner submits that due to some loss in business of real estate, petitioner could not hand over flat to the complainant nor could succeed to return the amount in question. However, petitioner is ready to return the amount of the complainant in installments, if this court permits to do so. Learned counsel of the petitioner submits that petitioner would return the amount in question to the complainant in twelve installments from the date of his release.

On the other hand, learned counsel appearing for the complainant submits that petitioner does have criminal antecedent of several cases of similar nature which is evident from perusal of para 3 of the petition. He further submits that if the petitioner wants to return the amount in question, the complainant does not have any objection.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of period of detention of the petitioner in jail custody, let the petitioner, above named, be released on provisional bail for the period of two months on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge-XIV cum Additional Chief



Judicial Magistrate, Patna/concerned court in connection with Complaint Case No. 231(C) of 2016 with direction to petitioner to deposit bank draft of rupees two lacs in the concerned court stood in the name of complainant within the above stated period of two months and if petitioner does so, the deposited bank draft shall be handed over to complainant and the concerned court shall pass order for confirmation of provisional bail of the petitioner with condition that petitioner shall return the remaining amount within ten months from the date of confirmation of his provisional bail in equal installments, failing which the bail granted to the petitioner shall be cancelled by the learned court below itself. It is made clear that deposited amount shall be subject to final result of Complaint Case No. 231(C) of 2016.

In the aforesaid manner, this petition stands disposed of.

(Hemant Kumar Srivastava, J)

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