

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65486 of 2019

Arising Out of PS. Case No.-797 Year-2017 Thana- BANKA District- Banka

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BANTI KUMAR MISHRA Son of Bihari Mishra Resident of Village -
Kushmaha, P.S.- Amarpur, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-03-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Banka P.S. Case No. 797 of 2017 for the offence registered under
Sections 406 and 420 of the Indian Penal Code.

The allegation is regarding the accused persons having
jointly taken a sum of Rs. 65,000/- from the opposite party no. 2 by
committing a fraud upon him.

Notice was issued in the present case and provisional bail
was granted to the petitioner herein on the assurance that he would
pay a sum of Rs. 65,000/- to the opposite party no. 2.

The learned counsel for the petitioner and the opposite
party no. 2 are present in the Court and the learned counsel appearing
for the petitioner submits that he would appear before the learned
court below within a time frame as fixed by this Court and would pay
a sum of Rs. 65,000/- to the opposite party no. 2 whereupon the



provisional bail granted to the petitioner be made absolute.

The learned counsel for the opposite party no. 2 has got no objection.

Having regard to the facts and circumstances of the case and considering the submissions of the learned counsel for the parties, I deem it fit and proper to dispose off the present petition with a direction to the petitioner and the opposite party no. 2 to appear before the learned court of Additional Chief Judicial Magistrate-III, Banka in connection with Banka P.S. Case No. 797 of 2017, on 23.03.2020 at 10:30 A.M. whereupon the petitioner shall hand over a draft of Rs. 65,000/- to the opposite party no. 2, upon proper identification/verification by the learned court below and thereupon the provisional bail already granted to the petitioner shall be made absolute.

It is needless to state that in case the petitioner does not appear with the aforesaid sum of Rs. 65,000/- before the learned court concerned on 23.03.2020, the provisional bail already granted to the petitioner, shall stand cancelled automatically.

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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