

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2434 of 2020

Arising Out of PS. Case No.-2257 Year-2016 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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AMIT KUMAR JAISWAL @ AMIT JAISWAL, S/o Sri Shambu Prasad @ Shambhu Chaudhary, R/o Mohalla - Rambag Chauri, Near Shiv Mandir, Kanhauli, Bishundat, P.S. - Mithanpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sri Shashi Bushan Sharma, S/o Ram Manohar Pandey, Managing Director, M/S Sashi Construction and Suppliers Pvt. Ltd., R/o - Kalambag Road, P.S. - Kazi - Mohammad-Pur, District - Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 03-12-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406, 420 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

Learned counsel for the petitioner submits that out of total amount more than rupees four lacs have already been paid through cheque to opposite party no. 2 and the rest amount of rupees two lacs seventy thousand, the petitioner would pay in



five monthly installments.

Learned counsel for the opposite party no. 2 informs that as instructed by opposite party no. 2, he is ready to receive the due amount in five monthly installments.

In the circumstances, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on **provisional anticipatory bail** on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Complaint Case No. 2257 of 2016 corresponding to T.R. No. 411 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the following conditions:-

(a) The petitioner shall fully cooperate with the trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of territorial jurisdiction of the learned court below.

(c) The petitioner shall not leave the country without permission of the learned trial Court.



The provisional anticipatory bail shall be confirmed only after payment of entire admitted due amount within time, failing which the learned Court below would be at liberty to cancel the provisional anticipatory bail of the petitioner and proceed according to law.

Accordingly, this application stands disposed of.

(Birendra Kumar, J)

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