

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 31331 of 2020

Arising Out of PS. Case No.-272 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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RANJEET KUMAR SINGH S/o Late Ramraj Singh Resident of Mohalla-
Chand Chaura, Police Station-Vishnupad, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Gajendra Kumar Singh, Advocate
For the S t a t e	:	Mr Ajit Kumar, APP
For the I n f o r m a n t	:	Mr Mahendra Narayan, Sr Advocate with Mr Dharmendra Kumar Sinha, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **09-02-2021** Heard learned counsel for the petitioner, learned
Senior Counsel for the informant and the learned APP.

Petitioner apprehends arrest in connection with
Magadh Medical College & Hospital Police Station (for brevity,
MMCHPS) Case No 272 of 2019 instituted for the offence
punishable under Sections 504, 506, 420, 323, 406/34 of Indian
Penal Code and Section 138 of Negotiable Instruments Act.

The case is that the petitioner has taken some money
for having lands executed in favour of the informant/Opposite
Party No 2, which he has not done. There is allegation that Rs
17 lacs were sought to be refunded by way of cheque which has
bounced.



This Court had earlier directed issuance of notice on the informant/Opposite Party No 2. The learned Senior Counsel is representing the informant/Opposite Party No 2 today. Learned APP is also present.

Petitioner's counsel takes a very fair stand that, subject to result of the case and without prejudice to his rights at the trial, he will be depositing 25% of Rs 17 lacs within three months. It is submitted by learned Senior Counsel for the informant that informant may be permitted to withdraw the amount. On these two issues, parties are in agreement.

This Court, therefore, directs that in the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall be released on provisional anticipatory bail, for a period of three months from the date of release, on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate IV, Gaya in MMCHPS Case No 272 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

In the meantime, the petitioner shall be depositing 25% of the amount of Rs 17 lacs which the informant would have a right to withdraw subject to the result of the criminal prosecution.

The Court below would review the situation after three months and if the petitioner has failed/fails to live up to his commitment, recorded in today's order, it will be open to the Court to pass appropriate orders in accordance with law, which may include cancellation of the bail granted to the petitioner.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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