

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32668 of 2020

Arising Out of PS. Case No.-5011 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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BINAY KUMAR S/o Late Mithilesh Pati Nath Sinha R/v-H.L. Shah and Associate, 401, A-Block, Gagan Apartment, Exhibition Road, P.S.-Gandhi Maidan, District-Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sri Binod Kumar Jaiswal S/o Late Shambhu Nath Jaiswal R/v-M.S. Pustakayan Agency V-478, Vidyapuri, Kendriya Vidyalay Road, Kankarbagh, P.S-Kankarbagh, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar Sinha, Adv.
For the Opposite Party/s	:	Mr. Amitesh Kumar, APP
For O.P. No. 2	:	Mr. Madanjeet Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

11 30-09-2021 Heard Vijay Kumar Sinha, the learned counsel for the petitioner and Mr. Madanjeet Kumar, the learned counsel for the informant. The State is represented by the learned APP.

The petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 5011 (C) / 2018 in which cognizance has been taken under Section 420 of the Indian penal Code and Section 138 of the Negotiable Instruments Act.

This Court had on 10.08.2021 directed that in case



the petitioner pays Rs. One Lakh to the opposite party no. 2, he shall be released on provisional bail. This Court had on that day indicated that there was some negotiation between the parties and the petitioner had offered to pay Rs. One Lakh upfront. Mr. Madanjeet Kumar, learned counsel for the opposite party no. 2 had stated on the last occasion that more than the aforesaid amount was actually due to be paid to him.

In any view of the matter, in obedience to the direction of this Court, the petitioner surrendered before the court below and deposited the demand draft of Rs. One Lakh and was, thereafter, released on provisional bail.

Considering these facts, the provisional bail granted to the petitioner, is hereby confirmed. He shall remain on the same bail bonds.

It would be open for the opposite party no. 2 to approach the court below and seek withdrawal of the demand draft payable in his name which has been deposited by the petitioner. The release of such amount shall be subject to the rights and contentions of the parties later.



The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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