

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22174 of 2021

Arising Out of PS. Case No.-469 Year-2020 Thana- FATUA District- Patna

Pradeep Kumar @ Pradip Kumar S/O Late Ram Prasad @ Ram Prasad Lal
R/O Village- Bankipur, P.S.- Fatuha, District- Patna ... Petitioner/S
Versus

The State Of Bihar ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate
For the Opposite Party/s : Mr. Ajay Kumar, No.2, APP
For the informant Mr. DN Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 12-07-2022 Heard learned counsel for the petitioner, the State and
the informant.

The petitioner seeks pre-arrest bail in a case instituted for the offences under Sections 420 and 406 of the Indian Penal Code and Section 138 of the N.I. Act.

Prosecution case is that Rs. 26 lakhs was obtained by the petitioner from the informant as loan with the promise of returning it as and when the same would be demanded. The money was not returned, despite the informant asking for the same. Later, a cheque of Rs. 13 lakhs was paid to the informant, but the same bounced because of paucity of funds. Four other cheques given by the petitioner also could not be encashed because of paucity of fund.

Learned counsel for the petitioner by filing



supplementary affidavit submits that the petitioner is ready to pay the entire balance amount of Rs. 11,45,000/- at the rate of Rs.one lac quarterly.

Considering the facts of the case as well as the undertaking of the petitioner, in the event of arrest/surrender within six weeks from today, let the petitioner mentioned above be enlarged on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Patna City in Fatuha Police Station Case No. 469 of 2020, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure and on the following condition:-

Petitioner would pay the entire balance amount of Rs. 11,45,000/- to the informant in 12 equal instalments in three years starting from today.

If the petitioner fulfils this condition within the said time period, the provisional bail would be confirmed by the Court below itself, failing which the Court below shall cancel the bail bond of the petitioner.

(Prabhat Kumar Singh, J)

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