

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56542 of 2021

Arising Out of PS. Case No.-409 Year-2018 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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KHURSHID ALAM, Son of Nurul Haque, Resident of Village - Fulwariya,
P.S. - Manjhagarh, District - Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar
2. Ram Vilash Kumar, son of Basudeo Sah, Resident of Village - Ramnagar Mahesh, Post - Ramnagar Bazar, P.S. - Srinagar, District - Madhepura.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Javed Aslam, Advocate
For the Opposite Party : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 16-05-2022 Heard learned counsel for the parties.

Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

This application for anticipatory bail arises out of Complaint Case No. 409 of 2018 for the offence punishable under Sections 406, 420, 323, 341, 406/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the petitioner is ready to pay the disputed amount to the opposite party no.2.

Considering the aforesaid submission of learned



counsel for the petitioner, this anticipatory bail application is allowed.

Let the petitioner, above named, in the event of his arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Madhepura, in connection with Complaint Case No. 409 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is also subject to the condition that at the time of furnishing bail bonds, the petitioner will submit a demand draft of Rs.50,000/- prepared in the name of opposite party no.2 in the Court below and the Court below in turn, will hand over the said demand draft to the opposite party no.2 within time so that the amount may be encashed. Thereafter, within next 2 years the petitioner shall pay the balance amount to the opposite party no.2.

If the petitioner deposits the aforesaid demand draft of Rs. 50,000/-, the Court below shall release the petitioner on ***provisional bail*** for a period of two years and after payment of entire disputed amount to the opposite party no.2, the



provisional bail of the petitioner shall be confirmed by the Court below.

After such payment is made, the opposite party no.2 shall file an application for withdrawal of the case, which shall be decided by the Court below on the same day.

With the aforesaid observations and directions, this bail application is allowed.

(Sandeep Kumar, J)

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