

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61432 of 2021**

Arising Out of PS. Case No.-251 Year-2021 Thana- BIHAR District- Nalanda

Md. Imtiyajuddin @ Mantu S/o- Late Md Wasiruddin R/o Mohalla- Kagzi,
P.S.- Bihar, District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-04-2022 Heard counsel for the parties.

The petitioner is in judicial custody in connection with Bihar P.S. Case No. 251 of 2021 under offences 406 and 420 of the Indian Penal Code.

The allegation against the petitioner is of having taken Rs. 10 lakh as cooperative loan from the informant and assured him to return the same by 15.10.2020 but chose not to fulfill his obligation.

Under these circumstances, the informant lodged the FIR and the petitioner went into the judicial custody on 1.8.2021 (as stated in para-18 of the bail application).

At the outset, the learned counsel for the petitioner submits that the petitioner is ready to return the amount of Rs. 10 lakh which will be subject to final outcome of the trial



related to the present case.

As per the instruction, the learned counsel for the petitioner has taken, he will deposit a demand draft of Rs. 2 lakh issued by the State Bank of India in favour of the informant to be presented before the court in seisin of the present case, whereafter he will be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Bihar P.S. Case No. 251 of 2021.

Learned counsel for the petitioner on instruction has further made commitment that the rest of the amount i.e. Rs. 8 lakh shall be handed over to the informant through court in seisin of the matter by a demand draft of Rs. one lakh each per month to be issued by the State Bank of India and the said installment shall start from the 1st week of June, 2022 and followed by subsequent month i.e. July to December, 2022 and the last installment will be made by 1st week of January, 2023.

It is made clear that failure of the petitioner to fulfill the commitment that has been made before this Court of paying entire amount by the 1st week of January, 2023 or default of even one month in between will lead to cancellation of his bail



bonds by the trial court itself.

It is further made clear that the amount which has to be paid by the petitioner to the informant is conditional and in case of his acquittal from the learned trial court, the informant will be duty bound to return the entire amount along with interest (to be decided by the learned court below) to the petitioner.

With the aforesaid observation, the bail application is allowed subject to the payment of Demand Draft of Rs. Two lacs as first instalment.

(Rajiv Roy, J)

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