

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21830 of 2023

Arising Out of PS. Case No.-1673 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Santosh Kumar S/O- Akhileshwar Deo Village- Bara Govind Ps- Chakia Dist-
East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Avinash Kumar not given B.D vertical 3rd floor, Sharda Complex top of SBI
Aghoriya Bazar Ps- Kazi Mohammadpur Dist- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Complainant : Mrs. Sheela Sharma, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-10-2023 Heard Mr. Abhishek Kumar, learned counsel for the

petitioner, Mrs. Sheela Sharma, learned counsel appearing on

behalf of the Complainant and Mr. Narendra Kumar Singh,

learned APP for the State.

2. The petitioner is apprehending his arrest
connection with Trial No. 1439 of 2022 arising out of
Complaint Case No. C-1673 of 2018, dated 14.08.2008
registered for the offences punishable under Sections 420 of the
Indian Penal Code and Section 138 of the N.I. Act.

3. Allegation against the petitioner is that he
borrowed Rs. 8,95,700/- from the complainant to purchase
vehicle, he did not repay the amount borrowed and he issued a



cheque of Rs. 8,95,700/- but the same became dishonored due to insufficient fund.

4. Learned counsel for the petitioner outrightly submits that the petitioner is ready to settle the dispute and he is ready to pay the entire cheque amount to the complainant and he has already paid Rs. 1,83,000/- to the complainant and the rest amount of Rs. 7,12,700/- he is ready to pay in three equal instalments. He further submits that he will pay Rs. 2,50,000/- at the time of furnishing bail bond by way of demand draft in favour of the complainant and the rest amount of Rs. 4,62,700/- will be deposited in two equal instalments in the month of November, 2023 and January, 2024.

5. Learned counsel for the Complainant has no objection in this regard.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. XII, Motihari, East Champaran in connection with Trial No. 1439 of 2022 arising out of Complaint Case No.



C-1673 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(i) Let the petitioner deposit Rs. 2,50,000/- by way of demand draft in favour of Complainant at the time of furnishing bail bond and rest amount of Rs. 4,62,700/- shall pay in two equal installments in the month of November, 2023 and January, 2024 by way of demand draft in favour of Complainant and the learned Court below is directed to hand over the demand draft to the complainant or his representative. If the petitioner fails to pay any instalment, the opposite party no. 2 shall be at liberty to move for cancellation of bail before the competent court.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(iii) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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