

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29077 of 2023

Arising Out of PS. Case No.-158 Year-2021 Thana- CHACKMEHSI District- Samastipur

Ram Babu Singh Son Of Ram Uchit Singh Resident Of Village- Dhruvgama,
P.S- Pusa, Distt- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Roopa Kumari Daughter Of Kunwar Singh Village- Balha, Ps- Chakmehsi,
Distt- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar, Advocate
For the Informant	:	Mr. Bijay Bhushan Prasad, Advocate
For the State	:	Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-10-2023 Heard Mr. Ranjan Kumar, learned counsel for the petitioner, Mr. Bijay Bhushan Prasad, learned counsel appearing on behalf of the Informant and Mr. Dinesh Singh, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Chakmehsi P.S. Case No. 158 OF 2021, dated 01.11.2021 registered for the offences punishable under Sections 406, 420, 504, 506/34 of the Indian Penal Code and Section 138 of the N.I. Act.

3. Allegation against the petitioner is that he borrowed Rs. 10,00,000/- from the informant in the name of treatment of his family members as well as for the purpose of



other work, he did not repay the amount borrowed and he issued three cheques of Rs. 10,00,000/- but the same became dishonored and it was bounced due to insufficient fund.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case.

5. Earlier the matter was referred to the Patna High Court Mediation Centre for settlement of dispute between the parties but due to some reason settlement has not succeeded.

6. Learned counsel for the petitioner outrightly submits that the petitioner is ready to settle the dispute and he is ready to pay the entire amount of Rs. 6,00,000/- to the Informant. Learned counsel for the petitioner further submits that he is ready to pay Rs. 1,00,000/- at the time of furnishing his bail bond by way of demand draft in favour of the Informant or his representative and the rest amount of Rs. 5,00,000/- he is ready to pay in ten equal instalments which will start from January, 2024.

5. Learned counsel for the Informant has no objection in this regard if receives Rs. 6,00,000/-.

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.-1, Samastipur in connection with Chakmehsi P.S. Case No. 158 of 2021, 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. 1,00,000/- by way of demand draft in favour of Informant at the time of furnishing bail bond and rest amount of Rs. 5,00,000/- shall pay in ten equal installments which will start from January, 2024 by way of demand draft in favour of Informant and the learned Court below is directed to hand over the demand draft to the Informant 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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