

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47643 of 2023

Arising Out of PS. Case No.-752 Year-2021 Thana- KANTI District- Muzaffarpur

RITESH KUMAR VERMA SON OF LATE DIRENDRA KUMAR VERMA
RESIDENT OF VILLAGE- HIRA NAGAR PATHAN TOLI,
DAMODARPUR, PS- KANTI DIST- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner apprehends his arrest in connection with Kanti P.S. Case No. 752 of 2021 for the offence registered under sections 406, 419, 420, 379, 323, 341 and 504 of the Indian Penal Code and section 138 of the N.I. Act lodged on 25.11.2021 by the informant, Sanjay Kumar Rai.

As per the prosecution story, the petitioner took loan of Rs. 10 lakhs from the informant but failed to repay and the cheque also bounced which resulted into the FIR.

Learned counsel for the petitioner fairly submits



that having suffered loss during ‘Covid’ period, he could not repay the amount but he is always ready to pay the informant as he has taken the loan from him. He submits that considering his economical condition, the same may be allowed to be paid in installment.

The last submission is that the FIR is on record and he will have to face the trial.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail but concedes that the petitioner is ready to repay.

Taking into account the fair submissions put forward by the learned Counsel for the petitioner, this Court is inclined to extend him privilege of anticipatory bail subject to the following conditions:-

(i) a Demand Draft of Rs. 2 lakhs of local State Bank of India branch in the name of the informant shall be submitted at the time of execution of bail bond which shall be handed over to the informant after checking his credentials;

(ii) the petitioner will be duty bound to pay Rs. 1 lakh by 10th of every month beginning October, 2023 which will come to an end in the month of May, 2024;

(iii) in case of default in payment, the informant



shall be free to take steps for cancellation of his bail bond.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (Ten Thousands only) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Muzaffarpur in connection with Kanti P.S. Case No. 752 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at



liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the anticipatory
bail application stands allowed.

(Rajiv Roy, J)

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