

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20825 of 2024**

Arising Out of PS. Case No.-1834 Year-2022 Thana- COMPLAINT CASE District- Banka

Divya Prakash, Wife Of Vikash Chandra Sinha @ Vikash Sinha Resident Of  
Village- Ishakchak, Near Small Water Boring, Jagdishpur, Po- Bhagalpur  
Head Post Office, Ps- Ishakchak, Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shri Kamlakant Yadav, Son Of Late Mahadev Mahto Resident Of Village-  
Babutola, Ward No. 7/9, Dm, Residence Block Road, Ps- Banka, Po- Banka,  
Distt- Banka

... .. Opposite Party/s

**Appearance :**

|                            |                        |
|----------------------------|------------------------|
| For the Petitioner/s :     | Mr.Nawnit Kumar Tiwary |
| For the Opposite Party/s : | Mr.Manoj Kumar         |
|                            | Mr.Bindeshwar Kumar    |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

4      26-09-2024                      1. Heard learned counsel for the petitioner, the  
learned counsel appearing on behalf of the complainant and  
learned APP for the State.

2. The petitioner seeks bail in anticipation of his  
arrest in a case registered for the offences punishable under  
Section 138 of the N. I. Act and Sections 406 and 420 of the  
Indian Penal Code.

3. The learned counsel for the petitioner, at the outset,  
submits that he is not making any submissions on merit of the  
case and he has instructions of the petitioner to submit that the  
amount of Rs.17,43,000/- shall be paid to the opposite party



no.2 within a period of six months from today. It is also submitted that on the date of surrender, the petitioner will pay an amount of Rs.5 Lacs to the opposite party no.2 and thereafter, the rest Rs.12,43,000/- shall be paid within a period of six months from today.

4. The learned counsel for the opposite party no.2, based on the submissions made by the learned counsel appearing on behalf of the petitioner, does not oppose the anticipatory bail application.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on **provisional anticipatory bail** on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Complaint Case No.1834 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

7. However, It is made clear that the learned trial Court before accepting the provisional anticipatory bail bonds of



the petitioner shall verify from the opposite party no.2 as to whether he received an amount of Rs.5 Lacs on or before the date of surrender or not and in the event, if the amount of Rs.5 Lacs is not paid on or before the date of surrender, in that event, the provisional anticipatory bail bonds of the petitioner shall not be accepted, but if paid, then the provisional bail bonds shall be accepted.

8. It is further made clear that if rest of the amount i.e. Rs.12,43,000/- is not paid on or before 26.03.2025, in that event, the learned trial Court shall be at liberty to cancel the provisional anticipatory bail bonds of the petitioner, but if the amount of Rs.12,43,000/- is paid on or before 26.03.2025, in that event, the provisional anticipatory bail of the petitioner shall be confirmed on the same terms and conditions.

9. At this stage, the learned counsel appearing on behalf of the opposite party no.2 submits that in the event, if the amount as agreed by the petitioner is paid by 26.03.2025, in that event, the opposite party no.2 shall also withdraw the instant complainant case.

**(Satyavrat Verma, J)**

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