

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.23784 of 2024

Arising Out of PS. Case No.-2422 Year-2018 Thana- VAISALI COMPLAINT CASE
District- Vaishali

Mahesh Rai Son Of Late Shiv Balak Rai @ Late Shiv Balak Ray Resident Of
Village- Bhekhanpura, Ps- Desari, Dist- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Upendra Rai Son Of Ashrfi Rai Resident Of Village- Sultanpur, Ps-
Industrial Area, Hajipur, Distt- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

Mr. Satya Prakash Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-06-2024 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under Section 406 of the Indian Penal
Code and Section 138 of the Negotiable Instruments Act.

3. As per prosecution case, this petitioner took Rs.
2,50,000/- (two lacs fifty thousand) from the complainant but
failed to return the same.

4. Learned counsel for the petitioner denies the
allegation. Dispute arises out of business transaction between
the parties. Without admitting the guilt, learned counsel for the
petitioner submits that the petitioner is ready to pay Rs.
1,00,000/- (one lakh) in easy installments for the present.

5. Considering the aforesaid contention made on
behalf of the petitioner, this anticipatory bail is allowed and it is
ordered that let the above named petitioner in the event of his
arrest/surrender before the court below within a period of six



weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with Complaint Case No. 2422 of 2018, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with direction to the petitioner that :-

(i) Petitioner shall refund Rs. 40,000/- (forty thousand) through Bank Draft in the *Nazarat* of the court below at the time of furnishing bail-bond and thereafter, rest amount i.e., 60,000/- (sixty thousand) shall be deposited in four equal installments of Rs. 15,000/- (fifteen thousand) each within a period of six months through Bank Draft in the *Nazarat* of the court below, failing which, the learned court below would be at liberty to cancel the bail-bond.

6. It is made clear that without going into the merit of the case, this order has been passed only for the purpose of bail and payment of aforesaid amount shall be subject to the final outcome of the case.

(Prabhat Kumar Singh, J)

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