

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82369 of 2023

Arising Out of PS. Case No.-1328 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Mukesh Kumar Son Of Devan Mahto Resident Of Village And Post Lagunia
Raghukanth, Ps Samastipur Muffasil, District Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ganesh Kumar Son of Ram Prakash Singh R/o vill - Bhejadih, P.S. -
Samastipur Muffasil, Distt. - Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Abhay Shankar Singh
For the Opposite Party/s :	Mr.Mithlesh Kumar Khare
	Mr.Dilip Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 24-06-2024 Heard learned counsel for the petitioner, State and
complainant/opposite party no. 2.

2. The petitioner apprehends his arrest in a complaint
case punishable for the offence under Sections 420 504 of the
Indian Penal Code and Section 138 of the N.I.Act.

3. It is alleged that this petitioner took Rs. 8 lacs from
the complainant to execute sale-deed in favour of complainant,
but neither the land was registered in favour of complainant nor
money was returned to him. It is further alleged that when the
complainant raised this dispute before the *Panchayat*, it was
decided that accused petitioner will return the amount and
thereafter, petitioner gave a cheque of Rs. 8 lacs to complainant,
which after presentation in the bank, got dishonored.



4. Learned counsel for the petitioner, without admitting the allegation made in the complaint petition, submits that petitioner is ready to deposit 25% of the alleged cheque amount i.e. **Rs. 2,00,000/- (Rupees two lac)** in installments in the *Nazarat* of the Civil Court, for which, learned counsel for the complainant/opposite party no. 2 does not oppose.

5. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender 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 learned Addl. Chief Judicial Magistrate – II, Samastipur in connection with Complaint Case No. 1328 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further following conditions:

“(A) At the time of furnishing bail-bond, the petitioner shall deposit Rs. 1,00,000/- (one lac) in the *Nazarat* of Civil Court, Samastipur

(B) Rest amount i.e. Rs. 1,00,000/- (one lac) shall be deposited in the *Nazarat* of Civil Court, Samastipur in two equal installments of Rs. 50,000/- (fifty thousand) each within a period of six months from the date of furnishing bail-bond.



(C) The aforesaid payment shall be subject to final outcome of the case.

(D) If petitioner fails to comply the direction of this Court, the learned Court below would be at liberty to cancel the bail-bond of the petitioner.”

6. This order has been passed, without going into the merit of the case, only for the purpose of consideration of prayer for anticipatory bail of petitioner.

(Prabhat Kumar Singh, J.)

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