

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49848 of 2014

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Dinkar Jha, son of late Rudra Narayan Jha, resident of village and Post
Manjhaul, District Begusarai

.... Petitioner

Versus

The Central Bureau of Investigation Through The Superintendent of Police,
CBI, ACB, Patna

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Adv.

For the Opposite Party/s : Mr. Bipin Kumar Sinha (SC/CBI)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

10 12-08-2015

Heard learned counsel for the parties.

This application has been filed for modification of the
order dated 14.7.2014 passed in Cr.Misc.No. 16484/2014.

The operative portion of the order dated 14.7.2014 whose
modification is being sought reads as follows:

“ Considering the facts and circumstances of the case, in
the event of filing duly verified petition by the petitioner
supported with personal affidavit before the court below
indicating such co-operation and if same wrong/ loss is
ultimately indicated, he (petitioner) will deposit the amount
within four weeks after such detection, in the event of his
arrest or surrender before the court below within four
weeks, let the petitioner above-named be **provisionally**
enlarged on bail for **one month** on furnishing bail bond of
Rs.10,000/- (Ten thousand only) with two sureties of the
like amount each to the satisfaction of the learned Special
Judge, CBI-III, Patna in connection with Special Case No.



01 of 2013 (R.C.No. 25(A) of 2012), subject to condition laid down under section 438(2) of the Code of Criminal Procedure which may be confirmed by the court below with additional condition to remain physically present before the court below on each and every date at least for two years or till disposal of the case, whichever is earlier, and in case of failure on two consecutive dates without giving any reasonable explanation or on violation of the undertaking, the liberty granted shall be deemed to be cancelled.

It is further made clear, the court below may consider extension of period of provisional bail granted to the petitioner, if at all extremely required, but for not more than two weeks. Further, in the event any non-cooperation of the petitioner is noticed, the privilege so granted shall be deemed cancelled.”

The underlined portion of the aforementioned order will go to show that such privilege was given to the petitioner only for a period of one month followed by maximum extension of two weeks more. Admittedly such period on account of the petitioner having not surrendering within a period of four weeks had expired on 13.8.2014. Let it be noted that there was no question of extension of provisional bail because the petitioner had never surrendered in terms of the order of this Court and therefore, whatever explanation now is being given for modification of the order dated 14.7.2014 by filing this application on 10.12.2014 has

to be only noted for its being rejected because of imperative nature of the order passed on earlier occasion. The privilege given to the petitioner that too by way of four weeks followed by two weeks having expired much earlier, there would be no question of modification of such order.

Therefore, the prayer for modification of the order is rejected.

The petitioner being a named accused in a case filed by the CBI must surrender within a period of two weeks, failing which steps for arrest should be taken.

(Mihir Kumar Jha, J)

surendra/-

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