

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5905 of 2015

Arising Out of PS.Case No. -30 Year- 2008 Thana -C.B.I CASE District- MUZAFFARPUR

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Avtar Kishan Raina @ A.k. Raina

.... Petitioner/s

Versus

The Central Bureau of Investigation, North Bihar & Anr.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Soni Srivastava, Advocate
Mr. Kundan Kumar, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

5/ 02-09-2015

The Petitioner produces copy of the order-sheet by which the Court below has expressed its difficulty in refunding the Demand Draft to the Petitioner. Let it be kept with the record.

Crux of the matter is that the Petitioner was required to pay a sum of ₹5,00,000/- to the authorities of the BSNL out of which the Petitioner had earlier deposited the Demand Draft of ₹2.85 lac in favour of BSNL before the Court below. Thereafter, once again because of some confusion the Petitioner was directed to deposit ₹2.85 lac in favour of BSNL particularly on the terms that earlier deposit would not be taken into account. It, thus, appears that the Petitioner deposited ₹2.85 lac in excess.

Now, the problem is that since the Court below has already deposited the earlier Demand Draft given by the Petitioner

amounting to ₹2.85 lac, it is unable to return the same to the
Petitioner.

Be that as it may, the Special Judge, C.B.I., North Bihar, Muzaffarpur, is directed to authorize the Registrar, Civil Court, Muzaffarpur, to return the subsequent Demand Draft of ₹2.85 lac deposited in favour of the BSNL. It shall also authorize the Registrar, Civil Court, Muzaffarpur, to issue a cheque of ₹2.85 lac which it has deposited in its account to the BSNL to end the controversy in the present case.

It is made clear that this Court has not adjudicated the claims on merits.

Let this order be communicated to the Special CBI Court, North Bihar, Muaffarpur, in connection with Special CBI Case No.30-A of 2008.

(Anjana Prakash, J)

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