

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27997 of 2015

Arising Out of PS.Case No. -144 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Deo Narayan Singh S/o Sri Munni Singh Resident of Village Bharkhar,
P.S. Mohania, District Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pancham Lal Jaiswal

For the Opposite Party/s : Mr. Md. Fahimuddin(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-07-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Mohania P.S.Case No. 144/2015 instituted under Sections 420 and 409 of the Indian Penal Code, pending in the Court of learned C.J.M., Kaimur at Bhabhua.

In the present application the petitioner has sought anticipatory bail in connection with Mohania P.S.Case No. 144 of 2015.

Vide order dated 13.05.2015 passed in Anticipatory Bail Petition No. 479 of 2015, the petitioner was granted anticipatory bail on the submissions made by him-

“ Learned counsel for the petitioner submits that the petitioner is ready to deposit the entire amount alleged to have been misappropriated in 10 equal instalments.”

Taking the submissions into consideration made on behalf of the petitioner, the Court had granted anticipatory bail to the petitioner, which is as follows:-

“Considering the facts and circumstances the petitioner is directed to surrender in the learned court below within a fortnight from the date of receipt of a copy of this order in the learned court below with a bank draft of Rs. 02,00,000/- in favour of SFC and in that event the petitioner shall be released on bail on a furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below subject to the conditions as laid down u/s 438(2) Cr.P.C.. Further, the petitioner shall deposit Rs. 02,00,000/- each, in every successive month in favour of SFC, in seven instalments and remaining amount of Rs. 01,35,371.51/- shall be paid by the petitioner in the same manner as eighth instalment. In failure of depositing any instalment the bail bond of the petitioner shall be liable to be cancelled”.

Thereafter the petitioner filed for modification of the order dated 13/05/2015 before the learned Sessions Judge and the same was rejected vide order dated 02.06.2015:-

“ Heard both the sides on the petition on 01.06.2015 on behalf of the petitioner.

It is submitted that the petitioner being a poor person is not capable to pay the amount in such instalments as fixed by order dated 13.5.2015.

Learned PP submits that the amount alleged to have been misappropriated is huge one as it is Rs. 17 lacs and odd so the instalments for payment of misappropriated amount fixed as adequate.

There appears no sufficient ground to modify the order with respect to the amount of instalments and, hence, the prayer so made is rejected.”

Now in the present application, the petitioner has sought for grant of anticipatory bail but the petitioner has already been granted anticipatory bail vide order dated 13.5.2015. The said order has been passed on the submission made on behalf of the petitioner.

Hence this Court do not find any irregularity in the said order.

Taking into account the aforesaid fact, the present application of the petitioner stands rejected.

(Sudhir Singh, J)

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