

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37306 of 2015**

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Jamadar Rai, Son of Late Jagarnath Rai, Resident of Village – Sripal  
Basant, P.S. – Garkha, District – Saran at Chapra (Bihar).

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Narendra Kr.Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR**  
**SINGH**

**ORAL ORDER**

02/ 19-08-2015

The present application has been filed for modification of order dated 24.07.2015 passed in Cr. Misc. No. 28468 of 2015 to the extent of waiving the condition to deposit undertaken amount of Rs.2,00,000/- within a period of three months.

The petitioner was granted provisional anticipatory bail for three months in connection with Garkha P.S. Case No. 81 of 2015 registered under Section 409 of the IPC, pending in the court of learned CJM, Saran at Chapra.

It is alleged that the petitioner being Ex-Chairman of PACCS failed to handover charge of the relevant documents including licence register of PDS shop and cash amount of Rs.2,00,000/-.

The petitioner undertook to deposit the



aforesaid amount of Rs.2,00,000/- before the learned court below within a period of three months which was to be invested in some fixed deposit scheme in connection with the present case which will be subject to the result of the case. The 50% amount was to be deposited before the learned court below at the time of furnishing bail bonds and the rest 50% amount within three months thereafter when the learned court below was to confirm the provisional bail of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner deposited the said amount prior to filing of the earlier bail application and certificate to that effect has been issued by the Branch Manager of the Bihar State Co-operative Bank Ltd., Chapra Branch. The same has been brought on record as Annexure-2.

The order dated 24.07.2015 passed in Cr. Misc. No. 28468 of 2015 is modified to the extent that let the learned court below issue notice to the informant and if the informant admits the deposit of the alleged amount then the petitioner's provisional bail will be confirmed. Till then the learned court below will allow the petitioner to remain on provisional bail. But, if the informant does not admit the contention of the counsel for the petitioner then the petitioner will

deposit the entire amount before the concerned authority within a month and thereafter the petitioner's provisional bail will be confirmed by the learned court below.

Accordingly, this modification application is disposed of.

This Court deprecates this procedure of filing applications with inaccurate facts.

**(Dinesh Kumar Singh, J)**

DKS/-

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