

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23895 of 2013

Arising Out of PS.Case No. -23 Year- 1998 Thana -RAJAULI District- NAWADA

1. Aiyaz-udin Buland Akhtar, S/O Sheikh Hafiz Uddin, resident of village-
Ghosipur Near Tilawali Maszid, P.S- Ghosipur, District- Gorkhpur, State U.P
..... Petitioner/s

Versus

1. The State Of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-02-2015

1. The Petitioner seeks quashing of the order dated 28.11.2012 passed by the Judicial Magistrate, 1st class, Nawada, by which he has refused to release the money which he had been directed to deposit in Rajauli P.S. Case No.23 of 1998/G.R.No.233 of 1998/Tr. No.471 of 2011 as condition for bail.

2. The back ground facts is that the Petitioner was implicated in a case of defalcation at which he filed an application for anticipatory bail. This Court directed the Petitioner to deposit ₹79,787/- as condition for anticipatory bail which the Petitioner did. However, the Petitioner after due trial was acquitted of the charges and hence, he made application for release of the money which he had deposited.

3. I am inclined to allow the application in view of the Petitioner's acquittal of the charges.

4. Hence, the order dated 28.11.2012 passed by the Judicial Magistrate, 1st class, Nawada, in Rajauli P.S. Case No.233 of 1998/G.R.No.233 of 1998/Tr. No.471 of 2011 is hereby set aside.

5. The Court below is directed to disburse the amount in favour of the Petitioner within six weeks from the date of receipt/production of a copy of this order. However, the Petitioner shall not claim any interest on the said amount.

6. The application stands allowed with the aforesaid observation.

(Anjana Prakash, J)

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