

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55965 of 2015

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1. Braj Kishore Prasad S/o Late Punit Lal,
2. Anuj Kumar, S/o Shri Brajkishore Prasad
Both R/o Beebee Ganj Taree Godown, P.S. - Danapur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dinesh Kumar, S/o Shri Devnarayan Mahto,
3. Manish Kumar, S/o Shri Rajendra Prasad
Both r/o Village - Sultanpur, P.S. - Danapur, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Roy 1 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

7 30-11-2016 The present application has been filed for modification of order dated 10.03.2014 passed in Cr. Misc. No. 73 of 2014 as well as the order dated 05.08.2015, passed in Cr. Misc. No. 39214 of 2014 to the extent for extending the period of return of undertaken consideration amount of Rs. 60,00,000/-.

Brief fact of the case is that the petitioners were supposed to transfer House No. 764, situated in Ward No. 18, Thana No. 21, to the informant's side for a consideration amount of Rs. 91,50,000/-, out of which Rs. 61,00,000/- was paid, but subsequently the sale deed was not executed.

Petitioners were granted bail by the learned Vacation-cum-Sessions Judge vide order dated 09.10.2013 on



their undertaking to return the entire amount in eight installments. The petitioners could not return the amount, as a result, the bail bonds were cancelled by the learned court below on 12.11.2013.

The order of the learned Sessions Judge dated 12.11.2013 by which the bail bonds of the petitioner was cancelled was challenged before this Court vide Cr. Misc. 73 of 2014 in connection with Danapur P.S. Case No. 304 of 2013, registered under Sections 406, 420, 506/34 of the Indian Penal Code.

On submission of the learned counsel for the petitioners that they are ready to return the entire amount of Rs.60,00,000/- in 15 equal monthly installments between March, 2014 to February, 2015, which was accepted by the informant. The order dated 12.11.2013 passed by the learned Additional Chief Judicial Magistrate, Danapur whereby bail bonds were cancelled, was quashed. However, the informant was given liberty to file an application for cancellation of bail bonds of the petitioner, if the petitioners default in making payment on two consecutive occasions.

Thereafter, the petitioners vide Cr. Misc. No. 39214 of 2014 filed application for modification of the order dated 10.03.2014, passed in Cr. Misc. No. 73 of 2014, whereby the petitioner undertook to return the entire amount of Rs.60,00,000/- in 15 equal monthly installments to the extent



of extending the period of return of the amount. The said modification application was disposed of on submission of learned counsel for opposite party no.2 that only a draft of Rs.2,00,000/- was given but no further amount was returned since none appeared on behalf of the petitioners. Thereafter, the present modification application has been preferred on 08.12.2015 and since then the matter has been adjourned on several occasions for allowing the petitioners to comply the order.

It is submitted by learned counsel for opposite party no. 2 that in pursuant to liberty granted to the informant as incorporated in the order dated 10.03.2014 to file an application for cancellation of bail bonds of the petitioners, if the petitioners default in making payment on two consecutive occasions, the bail bonds of the petitioners have already been cancelled.

In the circumstance, this Court is not inclined to entertain the present modification application.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

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