

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1259 of 2014

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1. Kamal Kumar @ Ganga Ram Son Of Late Otanmal Resident Of
Yadupati Lane, Nai Bazar, Police Station- Muzaffarpur Town, District-
Muzaffarpur Petitioner

Versus

1. The Union of India through C.B.I. Opposite Party

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Appearance :

For the Petitioner : M/S Sandeep Kumar & Ajit Kumar, Advs.

For the Opposite Party : Mr. Bipin Kumar Sinha, S.C., CBI

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

13 20-01-2016

Heard the learned counsel for the petitioner and the
Central Bureau of Investigation.

This is a petition for modification of the order, dated
03.12.2013, passed in Cr. Misc. No. 38679 of 2013, by which the
petitioner was granted interim bail for one month in view of the
statement that the matter has been settled and according to the
settlement Rs.14/- lakh was required to be paid and the rest
amount was to be deposited on 30.03.2014. In view of that fact
only Rs.8/- lakh has been paid by the petitioner, against Rs.14/-
lakh, agreed. By order, dated 03.12.2013, it was ordered that the
petitioner be enlarged on interim bail for one month and after
release of the petitioner he will pay Rs.6/- lakh by 15.11.2013 and
the final amount will be paid by 30.03.2014. Since, the petitioner
defaulted in payment of Rs.6/- lakh by 15.11.2013, his bail bond
was cancelled on 06.02.2014.

The petitioner has moved a petition in Cr. Misc. No.
1259 of 2014 for modification of the order for extension of the
time by depositing the amount. However, by order, dated
02.09.2015, it was directed that first the petitioner should deposit
the amount of Rs.6/- lakh, then, move the petition.

Now, the learned counsel for the petitioner submits that the petitioner has already paid Rs.8/- lakh, against Rs.6/- lakh on 08.09.2015 by demand draft of Industrial Development Bank of India, being D.D. No. 007653, dated 10.08.2015, amounting to Rs.6,00,000/- and demand draft of Industrial Credit and Investment Corporation of India Bank (ICICI Bank), being D.D. No. 500034, dated 19.08.2015, amounting to Rs.2,00,000/-, and has contended that the condition to deposit Rs.6,00,000/- has been complied with though not on the date fixed, but, subsequently.

Hence, the period to deposit the amount is extended for three months and the order, dated 03.12.2013, passed in Cr. Misc. No. 38679 of 2013 is modified to the extent that the final amount will be paid within three months else the Bank shall either put the property on auction sale or make a demand of the amount, due, and if the demand is not paid shall proceed for cancellation of the bail bond and further this will subject to the condition that the petitioner shall appear in person in Court on each and every date, fixed in the case and any absence, on two consecutive dates, without any reasonable ground to the satisfaction of the Court below, shall be a ground of cancellation of bail of the petitioner by the lower Court itself.

(Gopal Prasad, J)

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