

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49400 of 2015

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Niranjan Yadav son of Late Basudeo Yadav Resident of village -
Chorgaon, Police Station - Asarganj, District - Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anil Kumar Tiwari son of Bishwanath Tiwari Resident of village -
Bluhai, Police Station - Asarganj, District - Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Nasrul Hada Khan, Adv.
: Mr. Md. Harun Quareshi, Adv.
For the Opposite Party No. 2 : Mr. Siddhartha Harsh, Adv.
For State : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 11-08-2016 This application has been filed seeking modification of
the order dated 15.06.2015 passed in Cr. Misc. No. 18591 of 2015
whereby the Opposite Party no. 2 was granted anticipatory bail on
following terms :

“(i) The bank draft of Rs. 4,65,000/- in the
name of Anishtha Devi, the complainant, being
the consideration amount of the sale deed, in
question, shall be handed over by the court below
to the complainant which however shall remain
subject to the final outcome of the trial against the
petitioner.”

The said anticipatory bail arises out of Complaint Case filed
by the wife of the present petitioner who is said to have died on

18.03.2013. The wife of the petitioner was however, impleaded as Opposite Party no. 2 in the said Cr. Misc. No. 18591 of 2015. Accordingly, this Court had directed to produce a Bank Draft in the name of the complainant Anishtha Devi, who had already died. Petitioner is the husband of said Anishtha Devi.

Considering these undisputed facts, the order dated 15.06.2015 is modified with direction to the Opposite Party no.2 namely, Anil Kumar Tiwary to produce a Bank Draft in the name of the petitioner Niranjan Yadav, being the amount of sale deed in question which shall be handed over by the Court below to Niranjan Yadav (petitioner of this case).

Needless to say that payment of amount to the petitioner shall remain subject to final outcome of trial against Opposite Party no. 2. The Bank Draft which the petitioner has presented in the Court below shall be returned to him forthwith within eight weeks.

With the above observation, the application is allowed.

(Chakradhari Sharan Singh, J)

Prakash/-

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