

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9727 of 2016

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Abhishek Upadhyay, Son of Paras Upadhyay, Resident of Village-
Kamhariya, Police Station- Kandawa, District- Chandauli (U.P.).

.... Petitioner

Versus

1. The State of Bihar.

2. Puja Devi, Wife of Abhishek Upadhyay, Daughter of Vijay Shankar
Tiwary, Resident of Village- Kamhariya, Police Station- Kandawa,
District- Chndauli (U.P.) presently resident of Village- Nonar, Police
Station- Ramgarh, District- Bhabhua (Kaimur).

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Raghwendra Pratap Singh, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 30-03-2016 Heard learned counsel for the petitioner and learned APP
for the State.

2. The present application has been filed for
modification of order dated 27.07.2015 passed in Cr. Misc. No.
27584 of 2015. The privilege of anticipatory bail has been granted
to the petitioner subject to the condition of payment of Rs. 1,000/-
per month to the OP No. 2.

3. Learned counsel for the petitioner submits that such
payment had commenced and the petitioner made payment of Rs.
1,000/- to the OP No. 2 on 12.08.2015, but thereafter he was
unable to continue monthly payments having fallen ill. Failure to
make the requisite monthly payment to the OP No. 2 has resulted
in automatic cancellation of the petitioner's bail bond in terms of



condition imposed in the order of this Court and as a result, the learned court below has directed issuance of non-bailable warrant against the petitioner by order dated 09.12.2015. Learned counsel for the petitioner states however that the petitioner is ready to deposit the arrears and to continue the payments in compliance of the order of this Court, as failure to do so in the past was wholly bonafide and for reasons beyond his control.

4. Without going into the details of the matter and in the interest of justice, this Court directs that in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Kaimur at Bhabua in connection with Complaint Case No. 790(C) of 2014, subject to the following conditions:

(a) The petitioner shall deposit the arrears of the amount payable to the opposite party no. 2 within two weeks from today;

(b) The petitioner shall file an affidavit before the learned court below with the undertaking that he shall continue the monthly payments to the opposite party no. 2;

(c) In case of default in making payment of any two consecutive instalments, his bail bond shall stand automatically cancelled.

5. Cr. Misc. No. 9727 of 2016 stands disposed of.

(Vikash Jain, J)

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