

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18486 of 2016

Arising Out of PS.Case No. -973 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Nirekhan Rai Son of Shiv Pujan Rai, resident of village - Habaspur Dera,
P.S. Akilpur, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Arun Rai Son of Vasudeo Rai, resident of New Punai Chak (Boring Canal Road), P.S. Kotwali, District - Patna, presently resident of Habaspur Dera, P.S. Akhilpur, District – Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Rajeev

For the Opposite Party/s : Mr. Manoj Kumar No.1(App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 28-09-2016 Heard learned counsel for the petitioner, counsel for
the State and counsel for the opposite party No. 2.

Admittedly, the petitioner has deviated from his
undertaking which he has given in the court below and before this
Court also.

This Court has asked the petitioner to file an affidavit
giving the break up, in what manner, he will return the remaining
amount i.e. Rs. 3,25,000/- to the opposite party no. 2.

In paragraph 6 of the supplementary affidavit, the
counsel for the petitioner has stated that the petitioner will pay the
first instalment in 1st week after one month from the date of the

order and the remaining amount he will pay in 1st week of every consecutive month and he wants to make payment in nine equal instalments.

This Court is agreeable for payment in terms of the statement made in paragraph 6 of supplementary affidavit, but instead of nine instalments, the petitioner must pay the remaining amount in six instalments. In failure to pay the same, the bail of the petitioner will be deemed to have been cancelled.

During the period of payment, the petitioner will have liberty to take benefit of the bail. After entire payment the provisional bail to be treated to have been confirmed.

Accordingly, the present case is disposed of.

(Shivaji Pandey, J)

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