

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12754 of 2017

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Nand Lal Sah Son of Late Chhote Lal Sah, Resident of Mohalla Power House Road, Sanhauli, Police Station-Chitragupta Nagar (Khagaria), District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Hari Charan Prasad Sah Son of Shivjee Prasad Sah, Resident of English Mahesh Khut P.S. Mahesh Khut, District Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Adv.

For the Opposite Party/s : Mr. Md. Sufiyan, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 29-03-2017 This application has been filed for modification of order dated 02.02.2017 passed by this Court in Cr. Misc. No.23540 of 2016.

It has been submitted on behalf of the petitioner that earlier the application of the petitioner for anticipatory bail was disposed of, vide order dated 02.02.2017 passed in Cr. Misc. No. 23540 of 2016, with the following observation:-

“In view of the statement made by the learned counsel for the petitioner as well as counsel for the opposite party no.2, the petitioner is directed to surrender before the court below on 28.02.2017 with a bank draft of Rs. 3,00,000/- and if the amount is so deposited, the learned court below will release the petitioner on provisional bail to his



own satisfaction with a condition that he will pay rest of the amount of Rs. 10,00,000/- in two equal installments payable on 28.03.2017 and on 28.04.2017 respectively and provisional bail so granted will be extended on payment of installments. After payment of the full amount, the provisional bail of the petitioner shall be confirmed by the court below.

It is also made clear that failure to pay any installment will cause cancellation of the provisional bail by the court below itself. It is again made clear that the amount so deposited by the petitioner will be released in favour of the opposite party no.2 and the opposite party no.2 undertakes that the aforesaid release of amount shall be subject to result of the case. Till 28.03.2017, no coercive steps shall be taken against the petitioner.”

As per the aforesaid direction, the petitioner was required to deposit the first instalment of Rs. 3,00,000/- (Three lakh rupees) on 28.02.2017, but on that day, there was a nationalwise strike of the Bank and as such, he could not deposit the same and on very next day, he went to the learned court below along with Bank Draft of Rs. 3,00,000/-, but the learned court below was not ready to accept the same on the ground that day has expired. It has further been submitted that due to the aforesaid



circumstances, he could also not deposit the second instalment.

In view of the submission of the learned counsel for the petitioner, this Court is of view that if the petitioner deposits Rs. 3,00,000/- in the court below as first instalment within a week, the learned court below will accept the same and release the petitioner on provisional bail as directed above and the second instalment, which should have been deposited on 28.3.2017, could not be deposited due to the aforesaid situation, in such circumstances, the petitioner is also directed to deposit the second instalment within one month from today i.e. 29.04.2017. So far rest amount is concerned, the petitioner will deposit the same by 10th of May, 2017.

In case of default in compliance of the direction as above including not paying any instalments, the learned court below will cancel the bail bond of the petitioner.

With the above observation/direction, this petition is disposed of.

(Vinod Kumar Sinha, J)

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