

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.29680 of 2016**

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1. Brajesh Kumar Mandal S/o Late Bindeshwari Mandal resident of Village- Arya Tola, Sabour, P.S.- Sabour, District- Bhagalpur.

.... .... Petitioner/s

Versus

1. The State of Bihar.

2. Ranjay Kumar son of Late Ramswaroop Ravidas resident of Village- Bihar Agriculture University Campus, Sabour, Distt- Bhagalpur.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Smt. Pronati Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      12-04-2017                      Heard learned counsels for the petitioner and the State.

The present application has been filed for modification of order dated 16.12.2015 passed in Cr. Misc. No. 56850 of 2015 to the extent of extending the period of provisional bail of the petitioner.

The petitioner preferred Cr. Misc. No. 56850 of 2015 with a prayer for anticipatory bail in a case registered under sections 406 and 323 of the I.P.C. This Court vide order dated 16.12.2015 granted provisional anticipatory bail for six months on the submission on behalf of the petitioner that the petitioner is ready to return the amount which was transferred in the account of the wife of the petitioner namely Sunaina Devi.



It is submitted that rupees two lacs was transferred in the bank account of the wife of the petitioner and the petitioner is still ready to return the same.

The provisional bail was to be confirmed by the learned court below on appearance of the complainant on notice being issued, and if the issue between the parties gets resolved, on return of the due amount, otherwise the petitioner was to surrender and pray for regular bail.

It is submitted by learned counsel for the petitioner that the learned court below never issued notice to the complainant, as a result, the petitioner could not return the amount which was transferred in the account of the wife of the petitioner.

It appears that the petitioner's provisional bail got lapsed in the last week of January, 2016 whereas the present modification application has been preferred on 18.7.2016.

Hence, this court is not inclined to interfere in the matter but, keeping in view of the present stand of the petitioner and the nature of accusation, it is a case for consideration of the prayer for regular bail of the petitioner by the learned court below in case the petitioner surrenders within six weeks from today in connection with Complaint Case No. 931 of 2015 pending in the



court of learned JM, Bhagalpur.

This application is disposed of with the aforesaid observation/direction.

**(Dinesh Kumar Singh, J)**

Anil/-

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