

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39796 of 2016

Arising Out of PS.Case No. -227 Year- 2015 Thana -LAHERIASARAI District- DARBHANGA
=====

Syed Amir Azam son of Late Hussain Ahmad, resident of Mohalla- G.N. Ganj, Police Station- Laheriasarai, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anwarul Haque son of Izhar Ahmad Resident of village- Jamalpur, Police Station- Jamalpur, District- Darbhanga.

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

Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda, Advocate
For the Opposite Party/s : Mr. Arshad Alam, Advocate
Mr. Anjum Parveen, Advocate
=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 19-04-2017 Heard learned counsel for the petitioner and

learned counsel for the opposite parties.

Several undertakings have been given before this Court by the opposite party no. 2 that he will pay the rest amount of Rs. five lacs but inevitably the undertakings given earlier have not been honoured.

Learned counsel for the petitioner submits that there is no other alternative; the only option that remains is cancellation of the bail order passed by this Court.

Learned counsel for the opposite party no. 2 submits that the order cancelling the bail may be made conditionally so that if the opposite party no. 2 does not honour



the undertakings given by him earlier, the bail granted to him may be revoked. It is further submitted that the opposite party no. 2 informs that he has met with an accident but such pretext cannot be entertained by this Court. It is, accordingly, rejected.

It appears that this Court has awarded several opportunities but the opposite party no. 2 has been behaving in recalcitrant manner and after taking advantage of anticipatory bail has tried to frustrate with the order passed by this Court. Accordingly, this Court has no option but to direct that the opposite party no. 2 shall deposit the rest of the money amounting to Rs. five lacs in all in the Court below on or before the 18th of May, 2017, failing which the Court below will be at liberty to cancel the bail bonds of the opposite party no. 2 and proceed in accordance with law.

With the aforesaid observation, the application stands disposed of.

(Anjana Mishra, J)

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