

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54956 of 2017

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1. 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, Police Station- 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. Smt. Sahin Begam, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 29-11-2017 Earlier prayer for anticipatory bail of the petitioner was disposed of vide order dated 02.02.2017 direction to the petitioner to deposit Rs. 3 lakhs through a Bank Draft to the court below on 28.02.2017 upon which the court below was directed to release the petitioner on provisional bail with condition he will deposit rest amount of Rs. 10 lakhs in two equal instalment on 28.03.2017 and 28.04.2017. Subsequently a modification application was filed by the petitioner stating therein that he could not deposit the first instalment Rs. 3 lakhs on 28.02.2017 as there was a nation wide strike, as such the said modification application was disposed of with direction to the petitioner to deposit the said amount of Rs. 3 lakhs within a period of one week on the court below was directed to release the petitioner on provisional bail. The petitioner further directed to deposit the 2nd installment on 29.04.2017 and full amount by 10.05.2017.



It has been submitted by learned counsel for the petitioner that aforesaid order dated 29.03.2017 was received in the court below through e-mail on 03.04.2017 and due to vacation on 05.04.2017, the court below was closed and when the petitioner went to deposit Rs. 3 lakhs on 07.04.2017, the same was not accepted by court below and due to that aforesaid order of this court could not be complied and thereafter, the petitioner became ill and, therefore, prayed that the period of depositing the said amount may be extended.

In such facts and circumstances of the case, earlier order is modified to the extent to surrender and deposit first instalment within two weeks from date of receipt of order and on being satisfied with the same, the petitioner shall be released on provision bail to his own satisfaction, with condition that he will deposit rest money in two equal instalment payable to second and forth months of deposit of first instalment, falling to deposit any instalment his bail bond shall be cancelled. Once the court is satisfied with deposit of whole amount, bail bond of petitioner shall be confirmed.

No. further modification shall be made.

(Vinod Kumar Sinha, J)

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