

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.407 of 2017

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1. Nurul Khan @ Md. Nurul Khan, son of Late Badrul @ Late Haji Badrul Hasan Khan, resident of Wali Tola, P.S. - K. Hat, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. Soni Devi, daughter of Bishundeo Prasad, resident of Shastrinagar, P.S. - K. Hat, District - Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary -Advocate

For the Opposite Party/s : Mr. Sri Rajeev Nayan-A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 11-01-2017

Learned counsel for the petitioner has submitted that at an earlier occasion vide order dated 02.12.2016 passed under Cr. Misc. No.52041 of 2016, petitioner was granted bail with a condition that bank draft of the amount shown in the complaint petition be deposited prior to acceptance of the bail bond.

In the aforesaid context, it has been submitted by the learned counsel for the petitioner that being under custody, petitioner is not able to manage the aforesaid sum and so, he be allowed provisional bail for at least three months reducing the obligation to deposit the amount to the extent of Rs.1,00,000/- (One lac) at the time of acceptance of bail bond, provisionally, and the remaining amount as shown in the complaint petition will be deposited within three months.

Considering the submission made on behalf of



petitioner, “the Para-3 of the order dated 02.12.2016 passed under Cr. Misc. No.52041 of 2016 is modified in following way”.

Considering the submission made on behalf of petitioner, petitioner, **Nurul Khan @ Md. Nurul Khan** is directed to be released on **provisional bail for a period of three months** on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Complaint Case no.2714 of 2013, subject to condition that before tendering of bail bond, petitioner will deposit a bank draft of Rs.1,00,000/- (One lac), the remaining amount, deducting Rs. One lac from the amount shown in the complaint petition will be deposited at the end of the petitioner within three months. In case, amount is deposited, then in that event, the learned lower Court will confirm the provisional bail, failing which the privilege will automatically cease to survive. Before acceptance of bail bond, the learned lower Court will further see the genuineness as well as soundness of the bailors to avert untoward consequence. In aforesaid terms, instant petition of modification is allowed.

(Aditya Kumar Trivedi, J)

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