

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.56430 of 2017**

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1. Shashi Bhushan Prasad @ Shashi Bhushan Pd., Son of Late Ram Pyare Ram, Resident of Village-Jagadishpur, P.S.-Jamhore, District-Aurangabad.

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. The Bihar State Co-Operative Bank Ltd. Ashok Rajpath, Patna.

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

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**Appearance :**

For the Petitioner/s : Mr. Manish Kumar No 13, Adv.  
For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey (APP)

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      29-11-2017      Earlier learned court below was directed to release the petitioner on provisional bail vide order dated 22.09.2017 passed in Cr. Misc. 43357 of 2017 on condition that once the petitioner deposit Rs. 3 lacs within a period of one month and the rest amount in question shall be deposited in three equal installments every second months and failure to deposit any instalment, his bail bond shall be cancelled.

Heard learned counsel for the parties.

This application has been filed for modification of the order dated 22.09.2017 passed in Cr. Misc. 43357 of 2017.

Learned counsel for the petitioner has submitted that he has deposited Rs. 3 lac, however, altogether three accused persons have been named in the F.I.R. for the alleged defalcation



of amount to the tune of Rs. 12 lacs, therefore, the equal liability lies on all the three accused persons. In such view of the matter, the petitioner is only liable to pay 1/3<sup>rd</sup> of the amount in question, therefore, the order may be modified to the aforesaid extent only.

Heard learned A.P.P. also as well as learned counsel for the Cooperative Bank, who opposed to the modification of the aforesaid order.

In view of the facts and circumstances, I am not inclined to interfere with the earlier order passed by this court as such this modification application is dismissed. However, It is made clear that if the petitioner deposits the next instalment within a reasonable time i.e. a month from receipt of order continued to deposit next two instalment on every two months, so as to deposit the entire amount, his bail bonds shall be confirmed, however, failure to deposit any instalment within the period as specified above, his bail bond shall be cancelled.

**(Vinod Kumar Sinha, J)**

Amit/-

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