

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38280 of 2018

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Prabhat Kumar @ Mantun Singh, Son of Late Raghubansh Prasad Singh,
resident of village- Lalpur, Police Station- Chautham, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 04-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

This application has been filed for modification of the
order dated 30.01.2018 passed by this Court in Cr. Misc. 54447 of 2017
for necessary direction to the court below to hand over the Demand
Drafts to the informant in terms of the aforesaid order.

Learned counsel for the petitioner has submitted that this
Court had directed the petitioner to surrender in the court below along
with valid receipt of making payment of 75 per cent of the amount of
Rs.6,20,000/- to the informant by way of Demand Draft, and on
producing valid receipt of payment of the aforesaid amount to the
informant, he was to be enlarged on anticipatory bail by the court
below. It has further been submitted that the petitioner instead of
handing over the Demand Draft to the informant, has deposited the
Demand Draft in the court below. Thereafter, the court below has



accepted the bail bonds of the petitioner. The court below has not handed over the aforesaid Demand Draft to the informant. It has been submitted in paragraphs-5 and 6 of this modification petition that petitioner surrendered in the court below and deposited two Demand Drafts of Rs.4,65,000/- in favour of the informant in the court below, then bail bonds has been accepted by the court below vide order dated 27.03.2018.

The informant after knowing about furnishing of bail bonds by the petitioner, has filed a petition in the court below with prayer to hand over the two Demand Drafts of Rs.4,65,000/- to the informant, but the court below has refused to hand over the Demand Drafts in question on the ground that no such type of order exists in the order dated 30.01.2018 passed in Cr. Misc. 54447 of 2017.

Learned counsel for the petitioner has submitted that there was oral observation of the court below as stated above. The court below has not passed any final order on the aforesaid petition.

In such circumstances, this Court directs the court below to hand over the Demand Drafts which were deposited in the court below to the informant within a period of four weeks from the date of receipt of this order in compliance of the order dated 30.01.2018 passed in Cr. Misc. 54447 of 2017, after getting the same revalidated, if the Demand Drafts have lapsed by efflux of time.

This Court is really surprised that there was clear order of this Court that petitioner was required to hand over the Demand



Draft directly to the informant, but he had deposited the Demand Drafts in the court below and the bail bond of the petitioner was accepted by the court. In the event, the court below has allowed petitioner to deposit Demand Draft in court then it was duty of court below to hand over the Demand Drafts to the informant after issuing notice and obtain receipt. The court below has not fully complied the order dated 30.01.2018 passed by this Court in Cr. Misc. 54447 of 2017.

The court below is directed to comply the order of this Court fully as per direction made above within a period of four weeks from the date of receipt of this order and send compliance report to this Court.

This Modification application is accordingly allowed

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(Sanjay Priya, J)

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