

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52716 of 2018

In
Criminal Miscellaneous No.44187 of 2017

Arising Out of PS. Case No.- Year- Thana- District- Purnia

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Avinash Kumar S/o Late Gulab Ram, Resident of Village- Kajha Kothi, P.S.-
K.Nagar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Smt. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 05-09-2018 This petition has been filed for modification of order dated 9.10.17 passed in Cr. Misc. no.44187 of 2017 to confirm the provisional anticipatory bail granted to the petitioner, as petitioner has already deposited the defalcated amount i.e. Rs. 1086176/- though belatedly one month after prescribed period of 6 months..

Learned counsel for the petitioner has submitted that he has deposited the entire amount in terms of order dated 9.10.17 passed in Cr. Misc. no. 44187 of 2017. He has further submitted that he was granted provisional anticipatory bail for six months on his depositing Rs. Three lacs at the time of his surrender and the rest amount was directed to be deposited within the period of six months. The provisional anticipatory



bail of the petitioner was not confirmed since he has not produced valid receipt showing payment of the remaining amount as ordered within a period of six months.

Learned counsel for the petitioner has submitted that due to some unavoidable circumstances, the petitioner could not deposit the defalcated amount on time. Now, he has deposited the entire amount and he is in position to provide valid receipt before the Court below. He, therefore, prays for confirmation of his provisional anticipatory bail.

In such circumstances, four week's further time is granted to the petitioner to appear before the Court below along with valid receipt showing deposit of an amount of Rs. 1086176/- in the light of observation made by this Court vide order dated 9.10.17 passed in Cr Misc. no. 44187 of 2017 and in the event, the court below finds that rest amount has already been deposited by the petitioner and the order has been fully complied, the provisional bail of the petitioner shall be confirmed by the leaned Court below.

This Cr. Misc. petition is allowed.

(Sanjay Priya, J)

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