

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69556 of 2018

In
Criminal Miscellaneous No.41152 of 2018

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

Subodh Pandey, S/o Bimal Pandey, Resident of Village- Akardha, P.S.-
Chewadha, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rajnandan Singh, S/o Late Bhabho Singh, resident of Village- Othman, P.S.-
Sheikhpura (Sirari), District- Sheikhpura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed. Rizwanul Haque
For the Opposite Party/s : Mr. Sri Rajkishore Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 28-11-2018 The present modification application has been filed at the instance of the complainant – opposite party no. 2 for modification of the order dated 20.09.2018 passed in Cr. Misc. No. 41152 of 2018, by which, the petitioner was directed to deposit Rs. 51,150/- in the court below through a bank draft drawn in favour of the complainant within a period of six weeks, on which, the court below was directed to release the petitioner on bail for a period of two months with condition that the petitioner will deposit the rest of the amount of Rs. 1,00,000/- by way of two equal installments of Rs. 50,000/-to be deposited in the first week of each month.

It has been submitted on behalf of the opposite party no. 2 that during the pendency of the of the case, complainant has died and daughter of the complainant Banti Kumari has



appeared and filed show cause on behalf of Opposite Party No. 2 (Complainant) in this case.

However, in spite of that the petitioner deposited the aforesaid amount of Rs. 51,150/- in the name of original complainant and since he died, the money could not be released in favour of the Banti Kumari. Hence, the present modification application for modification of order dated 20.09.2018 passed in Cr. Misc. No. 41152 of 2018. As a matter of fact, the aforesaid Banti Kumari ought to have filed the application for modification but the same has not been done.

However, in view of the facts and circumstances, this application is disposed of with direction to the learned Court below that if any application is filed by the said Banti Kumari, for release of the above stated amount claiming herself to be the heir of original complainant, he will examine the matter and issue notice to the petitioner also and will pass an appropriate order.

With the above observation and direction, this modification application stands disposed of.

(Vinod Kumar Sinha, J)

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