

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63124 of 2018

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1. Muzahid Imam, Son of Sri Afzal Imam Khan, resident of village-Sanoli,
P.S.-Masharak, Distt.-Chhapra (Saran).

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Asif Ahsan @ Asif Ahasan @ Ashif Ahasan, son of late Saiyad
Md. Usuf, resident of Piplawan, P.S.-Naubatpur Distt.-Patna at present
resident of Sabjee Bagh Jamun Gali, A to Z Hotal, P.S.-Pirbahore,
Distt.-Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 31-10-2018

This application has been filed for modification of the order dated 01.02.2018 passed in Cr. Misc. No.45831 of 2017 by which Opposite Party No.2 has been granted provisional anticipatory bail in connection with Pirbahore P.S. Case No.211 of 2016 to the satisfaction of Chief Judicial Magistrate, Patna, with certain conditions.

Counsel for the petitioner submits that bail application of the Opposite Party No.2 was disposed off with direction to the Opposite Party No.2 to surrender in the Court below along with valid receipt with regard to payment of rupees two lac to the Informant (petitioner) along with Affidavit that he will make payment of the remaining amount and thereafter he was directed to be released on provisional bail.

Counsel for the petitioner submits that Opposite



Party No.2 has deposited rupees two lacs in Nazarat and the Court below has released the Opposite Party No.2 on provisional bail. The Court below is not releasing the money in favour of Informant (petitioner).

This Court is of the view that the Court below has committed contempt of this Court by releasing the petitioner on bail after accepting the amount in the Nazarat. There was specific direction of this Court that Opposite Party No.2 will make payment to the Informant and produce valid receipt in the Court. The Court below after accepting the amount is duty bound to release the money in favour of the Informant (petitioner). The order dated 08.05.2018 passed by the learned Chief Judicial Magistrate, Patna, is totally illegal and it amounts to contempt of this Court.

This Court, however, warns the Court below and directs to release the amount forthwith in favour of the Informant (petitioner) in terms of order dated 01.02.2018 passed in Cr. Misc. No.45831 of 2017.

This Modification Application is, accordingly, allowed.

(Sanjay Priya, J)

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