

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.22978 of 2018**

**In**

**Criminal Miscellaneous No.572 of 2018**

Arising Out of PS. Case No.252- Year-2017 Thana-Singheshwar Asthan District- Madhepura

Satyanand Kumar Suman son of Late Chandeshwar Kumar Ram, resident of village-Bhairabpur, P.S.-Singheshwar, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rahul Kumar son of Madan Mohan Thakur, Assistant Electric Engineer, Electric Supply, Sub-Division Madhepura.

... .. Opposite Party/s

**Appearance :**

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

For the Strte : Mr. Akshay Lal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

2     28-11-2018                      Heard learned counsel for the petitioner and learned counsel for the State.

This application under Section 482 of the Code of Criminal has been filed for modification of the order dated 16.01.2018 passed in Cr. Misc. No.572 of 2018.

By the aforesaid order dated 16.01.2018, this Court had allowed the prayer of the petitioner made under Section 438 of the Code of Criminal Procedure in connection with Singheshwar P.S. Case No.252 of 2017 registered under Sections 406, 409 and 420 of the Indian Penal Code. While arguing the case, it was submitted on behalf of the petitioner in



Cr. Misc. No.572 of 2017 that the petitioner had collected almost five lacs fifty thousand from the consumers and he is ready to deposit rupees five lacs within eight weeks from today. In view of the aforesaid submission made by the learned counsel appearing for the petitioner, this Court had directed that in the event of arrest or surrender within six weeks the petitioner shall be released on bail on furnishing bail bond of rupees ten thousand with two sureties of the like amount each subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and subject to following additional conditions:-

(i) That he shall file an affidavit before the concerned court that he shall deposit rupees five lacs in the relevant account of the North Bihar Power Distribution Company Limited within eight weeks.

(ii) That on completion of eight weeks if the petitioner would fail to file receipt of the amount deposited with the North Bihar Power Distribution Company Limited, the bail granted to the petitioner shall stand automatically cancelled.



After the order was passed, the petitioner neither filed any affidavit before the concerned court nor deposited rupees five lacs as undertaken by him.

It is submitted by the learned counsel for the petitioner that the petitioner could not arrange the entire amount of rupees five lacs in compliance of the order passed by this Court and, hence, he failed to deposit the same. He submitted that if the period of surrender is extended by a further period of eight weeks and the period of deposit of the amount is extended by further ten weeks, the petitioner may deposit the entire amount as undertaken by him. He contended that since the petitioner was financially overburdened, he could not comply with the undertaking given by him earlier to the Court.

On the other hand, learned counsel appearing for the State submitted that the petitioner had obtained pre-arrest bail by making false undertaking before the Court that he is willing to deposit rupees five lacs within eight weeks. He contended that after the order was passed the petitioner neither filed any affidavit nor deposited the amount and again a prayer for extension of time for depositing the amount is being made.

I have heard learned counsel for the parties and carefully perused the record.



I see no reason to modify the order dated 16.01.2018  
passed in Cr. Misc. No.572 of 2018.

The application lacks merit. It is dismissed,  
accordingly.

Md. S./-

**(Ashwani Kumar Singh, J)**

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