

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6678 of 2018

Arising Out of PS.Case No. -2 Year- 2015 Thana -SHERGHATI District- GAYA

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Ajit Paswan S/o Uday Paswan, R/o Village- Bara, P.S.- Gurua, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar.
2. The Magadh Central Co Opearative Bank through the Branch Manager, Sherghati Gaya.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Priya, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 24-08-2018

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for quashing the order dated 21.08.2017 passed in Cr. Misc. No. 140 of 2017 by learned Sessions Judge, Gaya in connection with Sherghati P. S. Case No. 2 of 2015 by which the prayer of the petitioner to extend the period of another six months so that he may comply with the consented order and deposited the amount of defalcation.

2. I have heard learned counsel for the petitioner and learned counsel for the State.

3. By order dated 05.02.2015 passed in ABP No. 261 of 2015, in view of the undertaking given by the petitioner, he was directed to be released on provisional bail by the learned Session Judge, Gaya for a period of three months. The provisional bail was



directed to be confirmed by the Jurisdictional Magistrate thereafter subject to the condition that the petitioner shall deposit the alleged defalcated amount and submit a no dues certificate issued by the competent authority in the court below. Since the petitioner failed to comply the order dated 05.02.2015, his provisional bail was not confirmed. He filed an application in 2017 i.e., after lapse of more than two years of expiry of the provisional bail before the Session Judge and prayed for extension of the period by further six months so that he may deposit the amount. The said application of the petitioner has been rejected by the court below vide impugned order dated 21.08.2017.

4. Having regard to the nature of the offence and the conduct of the petitioner, if the court below has rejected the prayer of the petitioner, in the opinion of this court, since the petitioner failed to comply with the undertaking given before the court out of his own volition and prayed for extension of the period after over 1 year and 9 months from the date on which the provisional bail granted to him expired, no illegality can be found with the order impugned.

5. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.08.2018
Transmission Date	27.08.2018

