

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41219 of 2018

Arising Out of PS.Case No. -118 Year- 2015 Thana -DULHIN BAZAR District- PATNA

=====

Asha Devi, Wife of Ganesh Tamoli, Resident of Village- Sihi, P.S.-
Dulhin Bazar, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajau Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP 150

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 24-09-2018 This application has been preferred seeking quashing of the order dated 26.01.2018 passed by learned A.D.J. VI, Danapur, Patna in Cr. Misc. Case No. 27 of 2018 by which the learned A.D.J. VI has been pleased to reject the application preferred by the petitioner seeking modification of the order dated 29.01.2018 passed in A.B.P. No. 7238 of 2017.

Learned counsel for the petitioner submits that while disposing off the A.B.P. No. 7238 of 2017, the learned A.D.J. VI, Danapur, Patna took note of the condition prescribed by a Hon'ble Bench of this Court in Cr. Misc. No. 14271 of 2016 in the case of Gopi Chand Prasad alias Gopi Chand Prasad who was the Panchayat Sachiv of Gram Panchayat Sihi. Taking a queue from the order of the Hon'ble Bench of this Court, the learned A.D.J



VI, also imposed a condition of depositing of Rs.5,000,00/- for the purpose of anticipatory bail by this petitioner.

Learned counsel for the petitioner submits that this petitioner has already deposited a sum of Rs.5,00,000/- in the Canara Bank, Bihta Branch on 10.07.2017. When the petitioner brought this fact to the notice of the learned A.D.J VI, Danapur, Patna seeking a modification of the conditions prescribed in the order dated 29.01.2018, his application has been dismissed.

Learned counsel submits that Annexure 4 is the Letter No. 830 dated 02.08.2017 written by the Block Development Officer, Dulhin Bajar to the District Panchayat Raj Officer, Patna wherein he has categorically stated that this petitioner has deposited a sum of Rs.5,00,000/- in the given account.

Learned counsel for the State is present.

Considering the facts and circumstances of the case as also the materials available on the record, this Court finds that the fact that this petitioner has deposited a sum of Rs.5,00,000/- on 10.07.2017 is not disputed rather the Block Development Officer has certified this fact vide Annexure 4 to the present application.

In this situation, this Court finds force in the submission of the learned counsel for the petitioner that the condition imposed by the learned A.D.J. VI, Danapur, Patna, while granting



anticipatory bail to the petitioner is required to be modified. The impugned order dated 02.06.2018 is, therefore, set-aside. The requirement to deposit a sum of Rs.5,000,00/- as prescribed in the order dated 29.01.2018 shall not be required to be complied with.

The application stands disposed off.

Petitioner may now appear before the learned Court below within two weeks and submit the bail bond as per the order of the learned writ Court.

(Rajeev Ranjan Prasad, J)

R.R.Ojha.

U		T	
---	--	---	--

