

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12713 of 2019

In
CRIMINAL MISCELLANEOUS No.7474 of 2017

Arising Out of PS. Case No.-15 Year-2016 Thana- CHAKIA District- East Champaran

Bijendra Kumar, Son of Late Mangal Saharan Prasad Resident of Village/Mohalla- Katira near the house of Dr. P Singh, P.S.- Nawada Distt.- Bhojpur(Ara) , Astt. Manager, SBI, Patna.

... .. Petitioner/s

Versus

1. State of Bihar
2. State Bank of India through its G.M. Bihar Circle, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad
For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-03-2019 Earlier prayer for anticipatory bail was allowed to the petitioner vide order dated 22.02.2017 passed in Cr.Misc. No. 7474 of 2017 with direction to the petitioner to deposit Rs. 3 lacs within a period of three months. The said order reads as follows:

“.....this petitioner, being Incharge, shall also deposit Rs. 3 lacs within a period of three months. Let above named petitioner, in the event of arrest or surrender within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on provisional bail on furnishing bail bond of Rs.25,000/- (Twenty-five thousand only) with two sureties of the like amount each to the satisfaction of learned A.C. J. M., Motihari, in connection with Chakiya Case no. 15 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. There are other conditions also that (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the investigation and make himself available before the police as and when required.



If petitioner deposits the aforesaid amount within the stipulated time his provisional bail shall be confirmed by the learned court below itself. If he fails to deposit the aforesaid amount, learned court below will be at liberty to pass order as he thinks fit and proper.”

It has been submitted that petitioner could not arrange the money as such he could not surrender and now, he is ready to pay back money.

From perusal of record, it appears that order has been passed two years ago and now, after two years, present modification application has been filed, in such view of the matter, I am not inclined to interfere with the order dated 22.02.2017 passed in Cr.Misc. No. 7474 of 2017. However, if petitioner surrenders within a period of six weeks from the date of receipt of a copy of this order and is ready to pay back money, his prayer for bail shall be considered without being prejudiced by this order and disposed of, if possible, on the same day.

(Vinod Kumar Sinha, J)

sujit/-

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

