

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12185 of 2019

In
CRIMINAL MISCELLANEOUS No.760 of 2018

Arising Out of PS. Case No.-1223 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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Mahesh Prasad S/o Late Ram Ratan resident of Mohalla-Ashok Nagar Road
No.14, Ratan Complex, Kankarbagh, P.S.-Kankarbagh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandrashekhar Kumar S/o Lalan Yadav resident of village-Nandlal Chapra
P.S. Ramkrishna Nagar, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar
For the Opposite Party/s : Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-03-2019 The present petition has been filed for clarification /

modification of the order dated 19.03.2018 passed in

Criminal Miscellaneous No. 760 of 2018 to the extent that

the time granted to the petitioner for surrendering before the

concerned court for the purposes of furnishing bail bonds be

extended.

The learned counsel for the petitioner has submitted

that after interim orders was granted by this Court in

Criminal Miscellaneous No. 760 of 2018, the learned trial

court by an order dated 24.01.2018 had granted permission to

the petitioner herein to furnish bail bonds, whereafter, the



petitioner had furnished the bail bonds on 24.01.2018 itself and the same was found to be in order, hence was accordingly accepted, however, it appears that after the final order dated 19.03.2018, granting anticipatory bail to the petitioner under Section 438 (2) of the Cr.P.C., was passed by this Court, the learned trial court had received the said order and by an order dated 06.04.2018, had directed the petitioner to furnish bail bonds of Rs. 10,000/- with two sureties of the like amount for the purposes of grant of bail under Section 438(2) of the Cr.P.C.

I have perused the order-sheet annexed by the petitioner herein to the present petition and I find that since the petitioner had already furnished the bail bonds, which was accepted by the learned trial court by an order dated 24.01.2018, the learned trial court was only required to release the petitioner on anticipatory bail upon surrendering.

Having regard to the facts and circumstances of this case, it is directed that for a period of four weeks from today, the petitioner would not be arrested and in the meantime, the learned trial court would examine as to whether the condition imposed by this Court by an order dated 19.03.2018 to the effect that “furnishing of bail bonds of Rs. 10,000/- with two



sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna in connection with Complaint Case No. 1223(C) of 2015, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure” have already been complied with or not and would accordingly proceed with the matter further and in case, it is found that the petitioner is required to comply with certain remaining conditions, the concerned advocate of the petitioner, appearing before the learned trial court, shall be intimated so as to enable the petitioner to comply with the same and facilitate grant of anticipatory bail to the petitioner upon surrender.

It is needless to state that the learned counsel for the petitioner would appear before the learned Judicial Magistrate, 1st Class Patna along with a certified copy of the present order within a period of three weeks from today.

The present petition stands disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

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