

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14801 of 2019**

Arising Out of PS. Case No.-4 Year-2018 Thana- CHAKAND District- Gaya

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Bablu Kumar Son of Janak Prasad Resident of Village - Kachanpur P.S.
Belaganj, District - Gaya.

... .. Petitioner/s

Versus

1. State of Bihar
2. Ashok Kumar Singh Son of Late Shambhu Sharan Singh Resident of Village
- Chakandgarh P.S. Chakand, Dist.- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha
For the Opposite Party/s : Mr. Binod Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL JUDGMENT

Date : 16-05-2019

Heard learned counsel for the petitioner and
learned APP for the State.

2. This application under Section 482 of the Code
of Criminal Procedure has been filed for quashing the order
dated 31.01.2019 passed by learned Sessions Judge, Gaya in
Criminal Misc. No. 20/19 (C.I.S.), whereby the learned lower
court rejected the prayer for modification of the condition for
provisional bail granted vide order dated 19.04.2018 passed in
ABP No. 670/18.

3. Factual matrix of the case is that the petitioner
along with two other accused persons, namely, Janak Prasad and



Gayatri Devi had filed anticipatory bail petition vide ABP No. 670/2018 before the court below and learned Sessions Judge, Gaya vide order dated 19.04.2018 enlarged the petitioners on provisional anticipatory bail subject to condition that the petitioners shall pay the entire amount in six equal monthly installment to the informant and on the date of surrender, they will appear in the court with receipt of payment of first installment, and thereafter, their bail bond will be accepted. Petitioners shall further intimate the court as about payment of installment in each month and learned court below shall confirm the provisional bail of the petitioners only after payment of entire amount to the informant. In case of default of payment of any installment in any month, the bail bond of the petitioners shall stand cancelled and learned court below will be free to take coercive measure to secure the appearance of the petitioners. After passing the aforesaid order, the bail bond of the petitioners was accepted on deposit of Rs. 50,000/- in favour of the informant (O.P. No. 2) by them, but as the petitioners failed to deposit the rest installment amount, their bail bond was cancelled. For modification of the aforesaid order, this petitioner filed petition, but after hearing the petitioner on the said petition, the learned Sessions Judge, Gaya vide order dated



31.01.2019 rejected his aforesaid petition.

4. It is submitted by learned counsel for the petitioner that the petitioner is the petty shopkeeper of medicine and rest two petitioners before the court below are his parents. The petitioner is only earning member of his family and he is facing acute financial crisis in the present economic era of price inflation, so he could not manage the money to deposit the same as per the direction of the court below despite his best efforts. Consequently, his bail bond was cancelled and the modification petition was rejected by the court below. He is ready to deposit Rs. 75,000/- in favour of the informant (O.P. No. 2) at the time of furnishing bail bond in the court below and further to deposit Rs. 75,000/- as second installment after one month and rest Rs. 1 lac in two equal monthly installment of 50,000/- each, and in case of his failure of payment of any of the installment, his bail bond shall be cancelled.

5. Having regard to the facts and circumstances of the case and in the interest of justice, petitioner is directed to pay Rs. 75,000/- to the informant at the time of furnishing bail bond in the court below and on furnishing the same learned court below shall allow him on provisional bail. Petitioner shall make payment of rest installment to the informant as detailed in



the earlier paragraph and submits the deposit receipt in the court below in each month, and in case of default of payment of any of the installment by him, his bail bond shall stand cancelled. Accordingly, the order dated 31.01.2019 passed by learned Sessions Judge, Gaya in Criminal Misc. No. 20/19 (C.I.S.), is quashed and this petition is allowed.

(Prakash Chandra Jaiswal, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20-05-2019
Transmission Date	20-05-2019

