

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24084 of 2017

Arising Out of PS. Case No.-248 Year-2015 Thana- MANJHI District- Saran

Prabalika Dubey, D/o Baijnath Dubey, R/o. Vill.- Bharhopur, P.S.- Ekma,
Distt.- Saran at Chapra, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rajeev Kumar Singh @ Rajeev Singh, S/o Akhileshwar Singh
3. Akhilesh Singh @ Akhileshwar Singh, S/o Late Shivjee Singh,
Both R/o Vill.- Cheful, P.S.- Manjhi, District- Saran at Chapra (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Roy, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

14 15-02-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State. Learned counsel for
O.P. No.2 is also present.

It appears that the O.P. No.2 had been directed to
make full payment in the earlier order, but due to paucity of
funds, the entire amount as stipulated has not yet been paid,
which has necessitated the filing of the present application for
cancellation of bail.

Learned counsel appearing on behalf of the petitioner
submits that out of the amounts due to the petitioner, a sum of
Rs.10,00,000/- has been paid to the petitioner, but an amount of
Rs.2,25,000/- still remains due. It is thus submitted that the O.P.



No.2 having not honoured the terms of the order dated 15.12.2016 passed in Cr.Misc. No.4769 of 2016, the order granting pre-arrest bail may be withdrawn and he may be taken into custody.

Learned counsel appearing on behalf of O.P. No.2 submits that the O.P. No.2 is prevented from making the entire amount available in favour of the petitioner for the reason that he is under severe financial constraint though he is himself willing to pay the entire amount. It is submitted on behalf of the O.P. No.2 that if some time is granted, the O.P. No.2 shall make such payments which are due within the period as directed by this Court.

In view of the *bona fide* offer made by the O.P. No.2, the present application stands disposed of with a direction to the O.P. No.2 to make payment of the rest amount of Rs.2,25,000/- (Rupees Two lacs twenty five thousand) within a period of nine months in three consecutive instalments.

With the aforementioned directions, the present application stands disposed of.

(Anjana Mishra, J)

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