

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34323 of 2019

Arising Out of PS. Case No.-152 Year-2018 Thana- AANDAR District- Siwan

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SURESH SHARMA S/o Late Dharm Deo Sharma R/o village- Chakri, P.S.-
Andar, District- Siwan Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-09-2019 Heard learned counsel for the petitioner. No one appears on behalf of the O. P. No. 2 despite service of notice. Learned APP for the State is present.

The petitioner in the present case is seeking anticipatory bail in connection with Andar P.S. Case no. 152 of 2018 registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

It appears that the petitioner was earlier granted privilege of anticipatory bail by the learned court below in Anticipatory Bail Petition No. 1519 of 2018 subject to the condition that he will deposit the entire amount of Rs. 8,68,108.50/- in four equal installment. The petitioner had deposited the first installment and thereafter, he was released on bail and thereafter his bail bond was accepted but thereafter, the balance amount could not be deposited by the petitioner as



according to him, he had met an accident and was unable to arrange the money this much.

Learned counsel for the petitioner submits that by now the petitioner has deposited the entire amount. The statement to this effect has been made in paragraph '8' of the present application. A 'No Dues' certificate as contained in Annexure '2' has been enclosed.

Learned counsel for the petitioner submits that under the aforesaid circumstance when another application for anticipatory bail was filed in the court below the same has been refused.

Learned APP for the State submits that once the petitioner had committed breach of the condition of the anticipatory bail, the court below has rightly refused to entertain the second anticipatory bail petition.

Considering the facts and circumstances of the case, particularly the statement made by the petitioner in paragraph '8' of the application together with Annexure '2' showing no dues certificate, this Court directs in case the petitioner above named surrenders and prays for regular bail in the court below within four weeks from today, the same will be considered by the court below on the same day keeping in view the fact that



now the petitioner has deposited the entire amount and 'No Dues' certificate has been produced vide Annexure '2' to the present application. His prayer for regular bail shall not be refused on the ground that on earlier occasion he had committed the default in compliance with the conditions of the anticipatory bail.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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