

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44048 of 2019

In
CRIMINAL MISCELLANEOUS No.61362 of 2018

Arising Out of PS. Case No.-910 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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NEERAJ CHANDHARIYAVI @ Niraj Chandhariyavi Son of Sri Nawal
Kishore Prasad Resident of Village - Park Road, P.S.- Kadam Kuan, Dist.-
Patna. (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Kumar Son of Sri Gorakh Prasad Resident of Village - Kanti Factory,
M.G. Nagar, P.S.- Agamkuan, Dist.- Patna.(Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	M/s Saket Tiwary, Anuraj Singh, Saket Gupta, Tarun, Advocates
For the State	:	Mr.Amitesh Kumar,APP
For the OP No.2	:	Mr. Rupak Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 25-09-2019 Heard learned counsel for the petitioner.

2. The present petition has been filed on behalf of the petitioner,(the complainant in Complaint Case No. 910(c) of 2018) for modification of order dated 24.01.2019 passed inCr. Misc. No. 61362 of 2018.

3. It is submitted that even though the O.P. No. 2 had admitted his liability to the extent of Rs. 5,00,000/- as noticed in the order dated 24.01.2019 in Cr. Misc. No. 61362 of 2018, the learned Court below is not delivering the demand draft deposited by the O.P. No. 2 to the petitioner in the absence of a specific direction in this regard in para 4 (iv) of the said order. A



statement is made at the Bar that the O.P.No. 2 had deposited the demand draft in January, 2019 drawn in the name of the petitioner.

4. In view of the observations in para 3 of the order that the O.P. No. 2 was ready and willing to **refund** the amount of Rs. 5,00,000/- admittedly taken by way of loan from the petitioner, it is intrinsically implied in the circumstances that the deposit of Rs. 5,00,000/- by the O.P. No. 2 would be available for withdrawal by the petitioner by way of refund of the admitted loan taken.

5. The modification petition stands disposed of with the aforesaid observation.

(Vikash Jain, J)

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