

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42645 of 2019

In
CRIMINAL MISCELLANEOUS No.69000 of 2018

Arising Out of PS. Case No.-164 Year-2015 Thana- GAUNAHA District- West Champaran

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Raghav Verma Son of Late Motichand Resident of Village-Pakadi Vishauli,
P.S.-Gaunaha, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Raj Ballabh Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-07-2019 Heard.

The petitioner was granted provisional bail by order dated 28-11-2018 passed in Cr. Misc. No. 69000 of 2018 by a coordinate bench of this court (then Her Lordship was) taking into account the following submissions made on behalf of the parties:-

“It has been submitted on behalf of the informant that uptill now the dues have not been diluted and the informant has not been paid the amount which had been swindled by the petitioner and three other namely Sunil Tiwary, Pradeep Kumar, Chandrika Kushwaha and the petitioner. He submits



that during mediation, the amount appropriated by each of the four persons has been quantified and one Pradeep Prasad @ Pradeep Kumar has been granted provisional bail on payment of the amount of Rs. 6,90,919/- vide 30.07.2018 passed in Cr. Misc. No. 42860 of 2018 within a period of six months. He submits that the dues quantified to be paid by the petitioner is also about 7 lacs.

Learned counsel for the petitioner submits that he also is willing to negotiate with the employer and pay any due which is to be paid to the informant and for the said purpose he may also be released on provisional bail to carry out his undertaking”.

The said provisional bail was for a period of six months. The following statement has been made in paragraphs- 1, 3 & 4 of the present application:-

1. That this is an application for modification of the Provisional bail order dated 28-11-2018 passed by the Hon’ble Justice Smt. Nilu Agrawal in Cr. Misc. No. 69000 of 2018 arising out of Gaunaha P.S. Case



No. 164 of 2015, pending in the court of the learned Sub Divisional Judicial Magistrate, Bettiah, West Champaran, to the extent that the privilege of provisional bail granted to the petitioner for the period of six months may kindly be confirmed, since the petitioner and co-accused persons have already cleared off the due amount of Rs. 30 lacs, rather they have already paid Rs. 32,59,300/-

3. That according to prosecution case, the petitioner and three others had to pay Rs. 30 lacs back to the informant, and it is humbly submitted that they had already paid Rs. 32,59,300/- to the informant, as would be evident from the following statement:-

14.11.2014 Rs 2,35,000/- in the name of his wife
Smt. Madhu Kumari Singh.

01.12.2014 Rs. 2,00,000/- in the name of his son,
Sri Suryanshu Singh.

05.12.2014 Rs. 2,00,000/- in the name of his wife
Smt. Madhu Kumari Singh.

10.12.2014 Rs. 0,81,300/- in the name of his wife
Smt. Madhu Kumari Singh.

13.12.2014 Rs. 0,70,000/- in the name of his wife



Smt. Madhu Kumari Singh.

Total- Rs. 7,86,300/- deposited in the A/C of HDFC,
Bagaha Branch,

4. That further Rs. 24,73,000/- was deposited with HDFC Bank and Uttar Bihar Gramin Bank, as would be evident from the receipts issued by the respective Bank:-

- (i) 17.03.2015 – Rs. 2,51,000/-
 - (ii) 06.04.2015 – Rs. 0,51,000/-
 - (iii) 14.03.2015 – Rs. 2,00,000/-
 - (iv) 10.03.2015 – Rs. 1,00,000/-
 - (v) 10.04.2015 – Rs. 3,00,000/-
 - (vi) 10.04.2015 – Rs. 3,00,000/-
 - (vii) 07.04.2015 – Rs. 2,00,000/-
 - (viii) 14.01.2015 – Rs. 2,51,000/-
 - (ix) 08.12.2014 – Rs. 2,20,000/-
 - (x) 08.12.2014 – Rs. 2,00,000/-
 - (xi) 30.12.2014 – Rs. 3,00,000/-
 - (xii) 08.04.2015 – Rs. 1,00,000/-
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Total Rs. 24,73,000/-

Considering the submissions made in the aforesaid paragraphs, the provisional bail granted to the petitioner vide order dated 28-11-2018 passed in Cr. Misc. No. 69000 of 2018 is extended for a further period of one month from today.

The court below shall verify the statements made in the present application as referred above. If the same is correct,



the provisional bail granted to the petitioner will be confirmed
by the court below itself.

With the aforesaid observations/direction, this
modification application is disposed off.

(Sudhir Singh, J)

A.K.V.//-

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