

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.43958 of 2019**

**In  
CRIMINAL MISCELLANEOUS No.15856 of 2019**

Arising Out of PS. Case No.-560 Year-2018 Thana- BUXAR District- Buxar

=====

JAI KUMAR RAI @ JAI RAM RAI Son of Basdeo Rai Resident of Village-  
Kritpurs, P.S.-Buxar (M), District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr.J.K.Singh, APP

=====

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN  
ORAL ORDER**

3      07-08-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. This application has been filed for modification of  
the order dated 14.03.2019 passed in Cr. Misc. No.15856 of  
2019.

3. Learned counsel for the petitioner invites reference  
to order dated 19.02.2019 in Cr. Misc. No. 9807 of 2019 in the  
case of co-accused Jitendra Kumar Singh and Chandan Kumar  
Singh granting them anticipatory bail, with one of the  
conditions stipulated as follows -

*“(i) That the petitioners shall start repayment in  
monthly instalments of Rs. 1,00,000/-, the first of  
which shall be paid before the 1<sup>st</sup> March, 2019 and  
thereafter the succeeding instalments shall be paid  
before the first date of each successive month. The  
last instalment would comprise of the remaining  
amount below Rs. 1,00,000/-. Failure to make  
payment of two consecutive instalments shall result*



*in automatic cancellation of the provisional bail.”*

4. As regards the petitioner, provisional bail was granted in view of his undertaking that he would take steps for ensuring repayment of the generator loan by the accused persons. Pursuant to the aforesaid condition imposed, co-accused Jitendra Kumar Singh has started repayment of the loan of Rs. 10,55,000/-, out of which Rs. 7,00,000/- remained outstanding. It is submitted that the repayment having been permitted in monthly instalments, the last instalment payable would fall well beyond the period of four months stipulated in the petitioner's case for repayment of the loan for purposes of confirmation of his provisional bail. It is therefore submitted that such stipulation of four months in paragraph-5 of the order dated 14.03.2019 as a condition for confirmation of provisional bail appears inadvertent.

5. This Court is satisfied that the stipulation of the four month period for repayment of the loan has inadvertently been mentioned for purpose of confirmation of the provisional bail granted to the petitioner, which should be read as the period applicable for repayment of the loan in terms of order dated 19.02.2019 in Cr. Misc. No. 9807 of 2019 passed in the case of co-accused Jitendra Kumar Singh and Chandan Kumar Singh.

6. The petition stands disposed of.

**(Vikash Jain, J)**

Chandran/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

