

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.6490 of 2020

In

CRIMINAL MISCELLANEOUS No.43687 of 2013

Arising Out of PS. Case No.-150 Year-2010 Thana- MAHISHI District- Saharsa

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Kumud Chandra Mishra, male, Son of Late Harish Chandra Mishra, Resident
of Village - Laxminath Nagar, Ward No.06, P.S.- and Distt.- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The B.D.O., Mahishi, Post and P.S.- Mahishi, Distt.- Saharsa, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the State : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 02-07-2020 Heard Mr. Pramod Mishra, learned counsel

for the petitioner and Mr. Ram Priya Sharan Singh,

learned APP for the State.

The petitioner seeks modification of the
order dated 14.02.2014 passed by a Bench of this
Court in Cr. Misc. No. 43687 of 2013. By the
aforesaid order, the petitioner was released on



provisional anticipatory bail for a period of ten weeks. However, it was directed that within a week of release on provisional bail, the petitioner would file an application before the concerned authorities to ascertain the dues which shall be decided by the authorities in the next two weeks, which amount shall be deposited by the petitioner within a period of next four weeks.

Pursuant to and in compliance of the aforesaid order, the petitioner filed an application before the concerned authorities for ascertaining the dues, but the amount was neither ascertained nor intimated to the petitioner. However, by order dated 10.09.2014, on the strength of the submission made on behalf of opposite party No. 2 that the amount has not been deposited by the petitioner, the provisional anticipatory bail of the petitioner was cancelled and he was directed to be arrested forthwith.

Learned counsel for the petitioner submits that the entire amount has been paid by the petitioner



and, therefore, the order, cancelling his provisional anticipatory bail, dated 10.09.2014 be modified.

This Court is afraid, the order cannot be modified because at the time when the provisional anticipatory bail of the petitioner was cancelled, there was non-compliance of this Court's order dated 14.02.2014.

In any view of the matter, taking into account that the petitioner has made payment of the entire dues, this Court directs that in case the petitioner surrenders before the Court below along with the proof of the fact that the entire dues amount has been paid, the Court below shall consider the application of the petitioner for grant of bail in correct perspective and shall pass an order in accordance with law without being prejudiced by the fact that the present application for modification of the order referred to above has not been entertained by this Court.

With the aforesaid observation/direction, the



application stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

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