

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19089 of 2020

In

CRIMINAL MISCELLANEOUS No.67419 of 2019

Arising Out of PS. Case No.-733 Year-2019 Thana- SHASTRINAGAR District- Patna

ARUN KUMAR Son of Late Hari Narayan Singh Resident of Village - House
No. 135, Bhagwati Garden, Block- E, Uttam Nagar, P.O. and P.S.- Uttam
Nagar, Distt.- West Delhi, Delhi.

... .. Petitioner/s

Versus

The State of Bihar through the Chairman, Central Selection Board (Constable
Recruitment) Sardar Patel Bhawan, Jawahar Lal Nehru Marg, Patna- 23.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma,Adv

For the Opposite Party/s : Mr.P.N.Shahi, A.A.G.-VI.

: Mr. Sanjay Pandey, Advocate.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 27-04-2020 The matter has been taken up through Video
Conferencing.

Heard Mr. Rakesh Kumar Sharma, learned counsel for
the petitioner and Mr. P.N.Shahi, learned Additional Advocate
General for the State along with Mr. Sanjay Pandey, learned
counsel of the Board.

In this application under Section 482 Cr.P.C., the
petitioner has sought for modification in the order dated
31.01.2020 passed in Cr. Misc. No.67419 of 2019 whereby a
Bench of this Court had granted provisional bail to the petitioner
in connection with Sastri Nagar P.S.Case No.733 of 2019 on
fulfilling certain conditions and the provisional bail was to be
confirmed only after fulfillment of the remaining part of the



terms.

The relevant portion of order dated 31.01.2020 is as follows:

“8. Considering the submission as made above, so far petitioner, Arun Kumar of Cr.Misc.No.67419 of 2019 is concerned, if he is ready to pay Rs.10,56,39,674/- and on payment of Rs.3.52 crores as first installment, he may be released on provisional bail on furnishing bail bond of Rs.25,000/- (Twenty19089 Five Thousand)with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Patna in connection with Sastri Nagar P.S.Case No.733 of 2019 for a further period of two months and during that period, he has to deposit rest of the amount in two equal installment of Rs.3.52 crores and once the total amount is deposited the provisional bail granted to the petitioner, Arun Kumar, shall be confirmed.

9. It is made clear that failure to deposit the



above installment within the period as specified the provisional bail granted to Arun Kumar (petitioner of Cr.Misc.No.67419 of 2019) shall be cancelled.”

The petitioner has stated on oath that on the submission of the petitioner, the Hon'ble Court had been pleased to grant conditional bail to the petitioner on payment of Rs.3.52 Crores as first installment in the government account. Further two months time was allowed to the petitioner to pay the rest of the amount out of the total due money of Rs. 10,56,99,674/-.

Submission of the learned counsel for the petitioner is that the petitioner deposited Rs.3.52 crores in the government account and thereafter he was released on bail provisionally in pursuance of order dated 31.01.2020. Due to spread of COVID-19, the business of the petitioner is completely closed. Hence, the petitioner could not deposit the rest amount.

Prayer is for extension of two months more time to deposit the remaining amount.

It is worth to mention that allegation against the petitioner is that as Manager of M/s ICN India Pvt. Ltd, New Delhi, the petitioner had entered into a written agreement with



Kendriya Chayan Parishad, Bihar for receiving and compiling of online application for the post of constable in the year 2017-18 and 2018-19. The petitioner was also authorized to collect the online application fee which the petitioner collected and did not deposit to the government account as agreed.

Learned counsel for the State opposed the prayer on the ground that spread of COVID-19 and closure of business of the petitioner have nothing to do with the refund of money because the money of Central Selection Board is lying with the petitioner and the petitioner has not to manage and earn money to refund the same.

For substantial justice, the prayer of the petitioner for extension of further two months time to refund the rest money in the Government account is allowed.

It is made clear that no further extension would be allowed on any ground to the petitioner and the directions of order dated 31.01.2020 shall be followed by all concern.

Accordingly, this application stands disposed off.

Sd/- (**Birendra Kumar, J**)

Certified to be true copy.

Nitesh/-

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