

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38137 of 2019

Arising Out of PS. Case No.-172 Year-2016 Thana- MUFFASIL District- West Champaran

KRISHNA MOHAN RAI Son of Late Kailash Rai Resident of Village -
Gonouli, P.S.- Bettiah (M), Dist.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The State Food and civil supply corporation through its managing Director ,
Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansuman Singh

Mr.Rakesh Kumar No.1

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

8 12-06-2020 Heard learned counsel for the parties.

The present application has been filed seeking regular bail in connection with Bettiah Muffasil P.S. Case No. 172 of 2016, registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

This is to be noted that earlier the petitioner had approached this Court for grant of regular bail by making an application, giving rise to Cr. Misc. No. 61978 of 2018, which was allowed by an order dated 08.10.2018. Relevant portion of the said order reads thus:-

*“Mr. Ramakant Sharma,
learned Senior Counsel, appearing on*



behalf of the petitioner contends that the petitioner is ready to pay the amount in installments as alleged to have been misappropriated by him as a condition precedent for grant of his regular bail. He has also submitted that the petitioner shall not flee from the course of investigation and shall present himself before the Court for enquiry or trial as and when required. He has also submitted that the petitioner undertakes to pay an amount of Rs. 20,00,000/- on the date of his release and rest amount within a period of one year in equal installments.

Considering the above stand taken on behalf of the petitioner, this application is allowed.

Let the petitioner, Krishna Mohan Rai, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge X-Cum-Special Judge, Saran at Chapra, in connection with Bettiah Muffasil Police Station Case No. 172 of 2016.

This is subject to the condition that the petitioner shall pay the said amount of Rs. 20,00,000/- on or



before furnishing his bail bonds. Rest of the amount, the petitioner shall be required to pay in 12 equal monthly installments commencing from November, 2018 (by 5th of every month).

In case of breach of the condition above noted, the petitioner's bail bonds shall be liable to be cancelled.

The deposit of the said amount shall be without prejudice to any defence, which the petitioner may take in connection with this matter in any proceeding, judicial or quasi judicial."

The petitioner has admittedly not complied with the undertaking given on his behalf, which has been recorded in the said order.

Mr. Ansuman Singh, learned counsel appearing on behalf of the petitioner has referred to a Supreme Court's decision dated 13.08.2018 passed in Criminal Appeal No. 998 of 2018 to contend that the condition for grant of regular bail as incorporated in the earlier order may be modified.

This Court does not have such jurisdiction to review an order passed in a criminal proceeding.



This application is, accordingly, dismissed as not maintainable.

(Chakradhari Sharan Singh, J)

arun/-

U			
---	--	--	--

