

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86779 of 2019

In
CRIMINAL MISCELLANEOUS No.42051 of 2012

Arising Out of PS. Case No.-235 Year-2012 Thana- DUMRAO District- Buxar

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1. Md. Naushad Ali Son of Yunus Alam @ Md. Yunus Resident of Mohalla-Dumraun Thakur Lohar Ki Gali Ward-12, P.S-Dumrao, District-Buxar.
 2. Jubair Alam Son of Yunus Alam @ Md. Yunus Resident of Mohalla-Dumraun Thakur Lohar Ki Gali Ward-12, P.S-Dumrao, District-Buxar.
 3. Yunus Alam @ Md. Yunus Son of Late Gul Mohammad Resident of Mohalla-Dumraun Thakur Lohar Ki Gali Ward-12, P.S-Dumrao, District-Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sanjit Kumar Chaudhary Son of not known Village and P.O-Pipra, District-Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha
For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 16-09-2020 The Court proceeding has been conducted through virtual mode.

The present application has been filed for modification of order dated 17.04.2013, passed in Cr. Misc. No. 42051 of 2012 to the extent that the petitioners may be permitted to surrender and furnish bail bonds.

In the present proceeding the notices were issued to opposite party no. 2 vide order dated 22.01.2020 through registered cover and ordinary process. The office note dated



15.05.2020 reflects that the ordinary process of notice has been received by opposite party no. 2 but none appeared on behalf of opposite party no. 2 on 12.08.2020, 25.08.2020 and 11.09.2020. Today also none is appearing on behalf of opposite party no. 2.

The factual matrix of the case is that the petitioners preferred Criminal Miscellaneous No. 42051 of 2020 with a prayer for anticipatory bail in a case registered for the offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code.

The prosecution case is that the informant gave Rs.2,97,000/- in connection with a business transaction to the petitioners when the petitioners gave a cheque of the same amount, which got dishonoured.

On undertaking of the petitioners to the effect that they are ready to deposit the said amount within a period of six months along with 10% interest calculated for a period of one and half years before the learned Court below, which was supposed to be released in favour of the informant, the petitioners granted were anticipatory bail vide order dated 17.04.2013 passed in Cr. Misc. No. 42051 of 2012 by this Court and it was also directed to accept the bail bonds of the petitioners provisionally till deposit of the aforesaid



amount.

It is submitted by learned counsel for the petitioners that since one member in the family of the petitioners was suffering from cancer, the petitioners could not surrender and furnish bail bonds. It is further submitted that a draft of Rs.2,90,000/- was given to the informant and Rs. 10,000/- in cash and the informant acknowledged the same, copy of the draft has been brought on record as Annexure-3 to the supplementary affidavit, and informant has also filed a petition to that effect before the learned Court below.

Considering the fact that the informant has received the amount and has also sworn affidavit to that effect but without calculating the interest amount of 10%, the order dated 17.04.2013, passed in Cr. Misc. No. 42051 of 2012 is modified to the extent that let the petitioners furnish the bail bonds within four weeks from today in connection with Dumraon P.S. Case No. 235 of 2012, pending in the Court of learned Chief Judicial Magistrate, Buxar. The bail bonds of the petitioners will be accepted provisionally for four months.

The provisional bail of the petitioners will be confirmed by the learned Court below after verifying the fact that the petitioners have returned the money claimed by the



informant.

Accordingly, the present modification application
stands disposed of.

(Dinesh Kumar Singh, J)

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