

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81737 of 2019

In
CRIMINAL MISCELLANEOUS No.31723 of 2013

Arising Out of PS. Case No.-80 Year-2013 Thana- DUMRAO District- Buxar

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1. Md. Naushad Ali, S/o Yunus Alam @ Md Yunus @ Yunus @ Md Yunus Gul Resident of House No. 121/1, Kalyan Prasad Gali, Lohar Ki Gali, Ward No. 12 Dumraon, P.S.- Dumraon, District- Buxar.
 2. Jubair Alam @ Md Zubair Alam S/o Yunus Alam @ Md Yunus @ Yunus @ Md Yunus Gul Resident of House No. 121/1, Kalyan Prasad Gali, Lohar Ki Gali, Ward No. 12 Dumraon, P.S.- Dumraon, District- Buxar.
 3. Md Yunus @ Md Yunus Alam @ Yunus @ Md Yunus Gul S/o Late Gul Mohammad Resident of House No. 121/1, Kalyan Prasad Gali, Lohar Ki Gali, Ward No. 12 Dumraon, P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baijnath Prasad S/o Badri Nath Prasad Resident of Village- Godari, P.S.- Karakat, District- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Kedar Jha, Advocate
For the Opposite Party/s :		Mr. Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 01-07-2020 Heard Mr. Krishna Prasad Singh, learned Senior Advocate for the petitioners and Mr. Anish Chandra, learned Advocate for the opposite party no. 2.

The petitioners were granted provisional bail for six months subject to the condition of their surrender before the court below and payment of the undisputed amount which was taken by them for granting dealership of Garib Nawaj India pvt. Ltd.

Mr. Anish Chandra, learned Advocate for the



opposite party no. 2 has informed this Court that the petitioners were granted provisional bail but did not pay the money and also absconded. It was only when notice was issued to the petitioners as to why the provisional bail be not cancelled, then the present application for modification of the order dated 28.01.2014 has been filed.

Mr. Singh, learned Senior Advocate, however, submits that because of the petitioners not being able to arrange money for payment all this while, it was not paid. Now, the undisputed amount of Rs. 8 lakhs have been arranged and the petitioners are ready to pay to the informant within a period of two months.

The provisional bail of the petitioners, therefore, is extended for a further period of two months from today *i.e.* till 26th of August, 2020 within which date, the entire undisputed amount of Rs. 8 lakhs should be paid to the informant/opposite party no. 2 and a receipt be obtained from him. After the payment is made and the receipt is obtained, the petitioners shall approach the court below and the court below, on being satisfied that money has been paid and the order dated 28.01.2014 has been complied with, shall confirm the provisional bail granted to the petitioners.

In case the money is not paid within the time



allowed by this Court, it would be open for the informant/opposite party no. 2 to approach the court below and seek cancellation of the provisional bail of the petitioners. The court below, in that event, shall immediately send notice to the petitioners and shall proceed for cancellation of their bail.

The order stands modified to the extent indicated above.

(Ashutosh Kumar, J)

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