

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.81739 of 2019

In

CRIMINAL MISCELLANEOUS No.28240 of 2013

Arising Out of PS. Case No.-35 Year-2013 Thana- DUMRAO District- Buxar

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1. MD. NAUSHAD ALI @ MD. NAUSHAD, Son of Md Yunus Alam @ Md Yunus @ Yunus @ Yunus Gul Resident of Mohalla - Thakur Lohar Ki Gali Ward No. 12, Dumraon, P.S.- Dumraon, District- Buxar
 2. Jubair Alam @ Md Jubair Alam Son of Md Yunus Alam @ Md Yunus @ Yunus @ Yunus Gul Resident of Mohalla - Thakur Lohar Ki Gali Ward No. 12, Dumraon, P.S.- Dumraon, District- Buxar
 3. Md Yunus Alam @ Md Yunus @ Yunus @ Yunus Gul Son of Late Gul Mohammad Resident of Mohalla - Thakur Lohar Ki Gali Ward No. 12, Dumraon, P.S.- Dumraon, District- Buxar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ajay Kumar Deep, Son of Munindrika Sah Vill- Harna Chiti, P.S.- Tithaudhu, District- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha

For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 06-10-2020 Heard Mr. Krishna Prasad Singh, learned Senior

Advocate for the petitioners and Mr. Md. Aslam Ansari,



learned APP for the State.

The present application has been filed for modification of the order dated 23.12.2013 passed in Cr. Misc. No. 28240 of 2013, by Hon'ble Mr. Justice V. N. Sinha, J. as he then was.

While granting interim reprieve to the petitioners, a direction was given by the aforesaid order that the petitioners would deposit the amount which was due against them within six months from the date of passing of the order. Till such time, no coercive steps shall be taken. On deposit of the entire amount which is due against the petitioners, the petitioners would be granted bail on their furnishing bond in the sum of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the court below.

For the reasons, which have been explained in the present petition seeking modification of the order, namely, the two family members becoming critically ill, the direction of the Court could not be fulfilled. Today,



the petitioners are in a position to return the amount of Rs. 4,03,600/-, which they are under an obligation to pay to the Opposite Party No. 2.

Mr. Krishna Prasad Singh, learned Senior Advocate for the petitioners submits that now the Opposite Party No. 2 is trying to bargain with the petitioners and wants an amount of Rs. 8 lakhs, which is not the due amount.

Mr. Ashok Kumar Garg, learned Advocate, who has appeared on behalf of Opposite Party No. 2 submits that the petitioners are accused in other cases also where same plea has been taken by them for modification of various other orders.

He further submits that according to the complaint, more amount than what the petitioners are ready to pay, is due against them.

In any view of the matter, considering that the case against the petitioner shall continue and the payments shall only be subject to the rights and



contentions of the parties later in this case, this Court directs that in case an amount of Rs. 5,00,000/- is paid by the petitioners within a period of two months, to be counted from today, the petitioners shall be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar, District - Buxar in connection with Dumraon P. S. Case No. 35 of 2013 (G. R. No. 399 of 2013), subject to the conditions as laid down under Section 438 (2) Cr.P.C.

Till two months, to be counted from today, no coercive steps shall be taken against the petitioners.

If the petitioners do not fulfill their commitment within the stipulated time, the interim protection shall stand automatically vacated and the court below shall



take steps for taking the petitioners into custody.

The order dated 23.12.2013 is modified to the extent indicated above.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

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