

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84965 of 2019

In
CRIMINAL MISCELLANEOUS No.67087 of 2019

Arising Out of PS. Case No.-321 Year-2019 Thana- GAYA KOTWALI District- Gaya

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NIRAJ KUMAR @ CHOTTI KUMAR @ CHHOTI KUMAR @ CHOTTI
Son of Vijay Prasad @ Bijay Kumar Lohani Resident of Mohalla - Fatehganj,
P.S.- Kotwali, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 26-02-2020 Earlier petitioner was granted anticipatory bail by this

Court by order dated 24.10.2019 passed in Cr.Misc.No. 67087
of 2019 on the following condition :

“Having heard both sides, considering the facts and
circumstances of the case, this application is disposed of with
direction to the petitioner to surrender in the court below within
six weeks from the date of receipt of a copy of this order along
with a bank draft of Rs. Eleven Lakhs drawn in favour of
informant, on which, the court below shall release the petitioner
on provisional bail on furnishing bail bond of Rs.25,000/-
(Rupees Twenty five thousand) and in the meantime, the court
below shall get the agreement showing the receipt of money by



the informant by handwriting expert as to whether the said agreement contain the handwriting of informant or not and if it is found that the signature on the agreement is in the handwriting of informant, the court below shall confirm the provisional bail of the petitioner otherwise, the court below is free to pass any order as he deems fit and proper including cancellation of bail bonds of the petitioner.”

Submission of learned counsel for the petitioner is that he is ready to pay the amount if some more time is granted to him.

Heard learned APP and perused the record from which it appears that petitioner was granted bail on surrender within six weeks and on submission of bank draft of Rs.11 lac but after two months this modification application has been filed.

Considering the above, I am not inclined to interfere with the order passed by this Court. However, it is made clear that if petitioner surrenders with the amount of bank draft as per direction of this Court by order dated 24.10.2019 in Cr.Misc.No. 67087 of 2019 the court below shall consider the fact that earlier he has been granted conditional anticipatory bail on certain condition and dispose of the application of the petitioner, if



possible, on same day.

This application is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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