

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84445 of 2019

Arising Out of PS. Case No.-253 Year-2019 Thana- KATEYA District- Gopalganj

PRASHURAM YADAV @ PARSURAM KUMAR Son of Bhagirath Chaudhari @ Bhagirathi Yadav Resident of Village - Mahanthawan, P.S.- Kateya, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abhishek Kumar S/o- Late Kanhiya Ram Resident of Village - Rajapur, P.S.- Ekma, Dist- Saran (Bihar) Present Address- S.B.I. Panchdemri Branch Manager, Dist Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Harendra Prasad, Advocate
For the State	:	Mr.Nagendra Prasad, APP
For the Bank	:	Mr. Rakesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 29-06-2020 Heard learned counsel for the petitioner and the opposite parties.

Vide order dated 19.12.2019 Hon'ble the Chief Justice was pleased to grant provisional bail to the petitioner.

“In the meantime, let the petitioner, named above, be released on provisional bail on furnishing bail bond of Rs.25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XV, Gopalganj in connection with Kateya P.S. Case No. 253 of 2019, on the following conditions:-



- (i) That one of the bailors of the petitioner shall be his close relative.
 - (ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.
 - (iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.
 - (iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- Any observation made herein shall not be construed to be an expression on the merits of the matter.

After the order dated 19.12.2019, the petitioner was granted further indulgence on 18.3.2020 and a Co-ordinate Bench of this Court has granted six weeks time. When the case was listed on 4.6.2020, counsel for the Bank submitted that the petitioner has not complied the direction dated 19.12.2019. In order to provide one more opportunity the case was adjourned to 22nd of June, 2020.

Today learned counsel for the petitioner submits that



the petitioner has not been released as he is required in other case also.

Counsel appearing on behalf of the Bank informed the Court that the petitioner has not fully complied order dated 19.12.2019 till date.

Since there is dispute with regard to deposit of Rs. 10 lakhs and the petitioner has deposited some amount, without going into the controversy, the bail application is disposed of with the direction to the petitioner to deposit balance amount in terms of the order dated 19.12.2019 within a period of one month from today failing which the court below shall be at liberty to cancel the bail bond furnished by the petitioner pursuant to the order dated 19.12.2019 in connection with the present case unless the order dated 19.12.2019 is modified by the Court concerned.

With the aforesaid, the present application stands disposed of.

(Anil Kumar Upadhyay, J)

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