IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.M.P. No. 1606 of 2020

Radha Devi … Petitioner

Versus

The State of Jharkhand & Ors. … Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Suraj Singh, Advocate
For the State : Mr. Priya Shrestha, Addl. P.P.
For the Opp. Parties : Mr. J.N. Upadhyay, Advocate

Order No.03 Dated- 04.12.2020

Heard the parties through video conferencing.

This criminal miscellaneous petition has been filed under section 482 Cr.P.C by the petitioner with a prayer for modification of the order dated 06.12.2019, passed in A.B.A. No. 8479 of 2019.

It is submitted by the learned counsel for the opposite party nos.2 and 3 that vide order dated 06.12.2019, passed in A.B.A. No. 8479 of 2019, the opposite party nos.2 and 3 were given the privilege of anticipatory bail subject to the condition that they will deposit Rs.30,000/- jointly in the name of victim-Mukesh Das but the victim-Mukesh Das has died in the meanwhile and the petitioner being the wife of the victim- Mukesh Das is the proper legal representative to whom the amount is to be paid. It is next submitted that the opposite party nos.2 and 3 have already deposited the demand draft drawn in favour of the victim-Mukesh Das. Hence, the learned trial court be directed to give back the said demand draft to the opposite party nos.2 and 3 who were accused before the learned trial court with a direction to resubmit a fresh demand draft of Rs.30,000/- drawn in favour of the petitioner herein namely Radha Devi in lieu of the earlier draft submitted by him.

Learned counsel for the opposite party nos.2 and 3 has no objection to the same.

Considering the aforesaid facts, the learned trial court is directed to give back the demand draft already deposited by the opposite party nos.2 and 3 to the opposite party nos.2 and 3 drawn in favour of the victim- Mukesh Das with a direction to get a fresh demand draft of Rs.30,000/- prepared in the name of Radha Devi, in lieu of the said draft within the time tobe stipulated by the trial court and if the opposite party nos.2 and 3 deposit the said demand draft drawn in favour of Radha Devi, the trial court is directed to hand over the said demand draft to Radha Devi upon issuing notice to her and upon proper identification.'

It is made clear that if the opposite party nos.2 and 3 do not hand over the said demand draft to the trial court, the bail granted to the opposite party nos.2 and 3 will stand cancelled and the trial court will take all coercive steps for their apprehension for facing the trial.

This criminal miscellaneous petition is disposed of accordingly.

Sonu-Gunjan/ **(Anil Kumar Choudhary, J.)**