

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7461 of 2021

In
CRIMINAL MISCELLANEOUS No.46012 of 2019

Arising Out of PS. Case No.-648 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

=====

GAUTAM KUMAR, S/o Late Ram Sagar Mahto R/o village- Narepur, Bank
Bazar, Ward No. 7, P.O. and P.S.- Bachhwara, District- Begusarai, Presetly
Posted as Assistant Teacher, Upgraded Middle School, Satanpur, Bahdura,
Block and P.S.- Ujiyarpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Avanindra Kumar Jha
For the Opposite Party/s : Mr.APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 05-04-2021 Heard Mr. Avanindra Kumar Jha, learned

counsel for the petitioner and Mr. Ajay Kumar No. 2,

learned APP for the State.

This application has been filed for modification

of the order dated 30th of September, 2019, whereby

the petitioner was granted provisional bail with a

direction to deposit an amount of Rs. 16,95,414/- in six

months, whereafter the provisional bail of the petitioner

was to be confirmed. However, *vide* order dated 30th of

September, 2019, referred to above, this Court had also



clarified that if the total amount is not deposited within the aforesaid period, the bail-bonds of the petitioner shall be cancelled.

The petitioner claims to have deposited approximately 10 lakhs by now but for some reason or the other, especially lack of liquidity, he has not been able to pay the rest of the amount i.e., 6,95,414 /- which he intends to pay, provided some more time is given to him and he is protected from being arrested.

The learned counsel for the petitioner has also informed this Court that because of the Covid 19 pandemic, no adverse order has been passed and therefore despite the petitioner not having paid the entire amount within the aforesaid stipulated period, the bail-bonds of the petitioner has not yet been cancelled.

Considering the grounds which prevented the petitioner from making the entire payment within the stipulated period, this Court is of the view that some more time be given to the petitioner to fulfill his



commitment of returning the entire amount which is said to have been embezzled.

The petitioner has requested for grant of six more months for making payments of the balance amount of Rs. 6,95,414 /-.

Considering the aforesaid request of the petitioner, the provisional bail of the petitioner is extended for a further period of six months to be counted from today.

In case the petitioner does not make good the balance amount of Rs. 6,95,414 /-, within the next six months, his bail application shall be cancelled.

The order dated 30.09.2019 stands modified to the extent indicated above.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

skm/-

U		T	
---	--	---	--

