

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7869 of 2020

In
CRIMINAL MISCELLANEOUS No.32675 of 2013

Arising Out of PS. Case No.-96 Year-2013 Thana- DUMRAO District- Buxar

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1. MD. NAUSHAD ALI S/o Yunus Alam @ Md. Yunus @ Yunus Resident of House no.121/1, Kalyan Prasad Gali, Lohar Ki Gali Ward no.12 Dumraon, P.S-Dumraon, District-Buxar.
 2. Md. Jubair Alam S/o Yunus Alam @ Md. Yunus @ Yunus Resident of House no.121/1, Kalyan Prasad Gali, Lohar Ki Gali Ward no.12 Dumraon, P.S-Dumraon, District-Buxar.
 3. Md. Yunus Alam @ Md. Yunus @ Yunus S/o Late Gul Mohammed Resident of House no.121/1, Kalyan Prasad Gali, Lohar Ki Gali Ward no.12 Dumraon, P.S-Dumraon, District-Buxar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Manoj Kukar S/o Nageswar Lal Village and P.O-Arai, P.S-Daud Nagar, District-Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha
For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 05-04-2021 This application has been filed for modification of order dated 03.02.2014 passed in Cr. Misc. No. 32675 of 2013 whereby petitioners were granted privilege of provisional bail for six months on the condition that within a period of eight weeks petitioners shall return the amount of informant by demand draft.

It is submitted on behalf of petitioners that brother of petitioner nos. 1 and 2 and son of petitioner no. 3 was suffering



from blood cancer and huge money was spent in his treatment. Later on he died at Tata Memorial Hospital, Mumbai on 07.06.2016. Therefore, their financial position became deteriorated and the petitioners could not surrender within the stipulated period. It is further submitted that now in terms of the order dated 03.02.2014 petitioners have already returned the said amount of Rs. 1,01,100/- to the opposite party no. 2 vide demand draft no. 107013 dated 03.09.2020 issued by Syndicate Bank, Patna vide Annexure-A to the supplementary affidavit.

Counsel for Opposite Party no. 2 does not dispute the fact that payment has been made by demand draft no. 107013 dated 03.09.2020.

Considering the aforesaid facts and circumstances and the fact that the alleged amount has already been paid by the petitioners, this modification petition is accordingly, allowed.

Let petitioners above-named, in the event of their arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond 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 in connection with Dumrao P.S. Case No. 96



of 2013 GR Case No. 1120 of 2013, subject to the conditions as
laid down under Section 438(2) of the Code of Criminal
Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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