

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18372 of 2020

Arising Out of PS. Case No.-145 Year-2015 Thana- SAKRA District- Muzaffarpur

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1. ARTI DEVI Wife of Nawal Kishore Jha Resident of Village- Dubaha Bujurg, P.S.- Sakra, District- Muzaffarpur.
 2. Nawal Kishore Jha Son of Budhkant Jha Resident of Village- Dubaha Bujurg, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surendra Rai Son of Parikshan Rai Resident of Village- Dubaha Bujurg, P.S.- Sakra, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-04-2022 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners were granted anticipatory bail by the learned Sessions Judge, Muzaffarpur by order dated 03.08.2015 in Sakra P.S. Case No. 145/2015, which was registered for offences under Sections 406, 409, 420, 467, 468, 471, 472 and 120B of the Indian Penal Code subject to the condition that the petitioners would deposit an amount of Rs. 40,000/- which they



are alleged to have withdrawn fraudulently from the bank.

The petitioners did not deposit the aforesaid amount for good four years and, thereafter, approached the court below for extending the time for surrendering before the court for seeking bail, which request was turned down.

The learned counsel for the petitioners has submitted that the petitioner no. 2 was suffering from prostrate cancer and was also prevented by the outbreak of the Covid-19 pandemic in depositing the money in time.

To demonstrate his bonafide, the petitioners are ready to deposit Rs. 50,000/- under protest and subject to their rights and obligations later in this case for the purposes of grant of anticipatory bail to them.

Considering the aforesaid submission on behalf of the petitioners, this Court is inclined to modify the order dated 03.08.2015 after setting aside the order refusing to modify the same by the court below vide order dated 23.01.2020.

The order dated 23.01.2020 is set aside.

The order dated 03.08.2015 granting bail to the petitioners is modified to the extent that if the petitioners deposit the amount of Rs. 50,000/- within a period of four weeks from today under protest subject to his rights and contentions later,



they shall be released on bail on furnishing bonds in the sum of Rs. 10,000/- (Rs. Ten Thousand) each with two sureties of like amount each to the satisfaction of the concerned court below in connection with Sakra P.S. Case No. 145/2015, subject to the condition as laid down under section 438 of the Cr.P.C.

The petition stands allowed and disposed off accordingly.

(Ashutosh Kumar, J)

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