

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40477 of 2021

In
CRIMINAL MISCELLANEOUS No.29634 of 2015

Arising Out of PS. Case No.-12 Year-2014 Thana- SHEOHAR District- Sheohar

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VIKASH KUMAR @ VIKASH KUMAR TIWARY Son of Kedar Nath @
Kedar Nath Tiwari Resident of Bibigang (Bibiganj), (Anandpuri) Near S.B.I.,
ATM, P.S.- Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nitu Kumari, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 21-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner prays for modification of the order dated 8.7.2015 passed in Cr. Misc. no.29634 of 2015 granting bail to the petitioner in connection with Sheohar P.S. Case no.12 of 2014.

The case of the petitioner in brief is that while granting bail to the petitioner by the aforesaid order dated 8.7.2015 (Annexure-1), it was directed that the bail was being granted in Sheohar P.S. Case no.12 of 2014 subject to the condition that the petitioner shall deposit the entire amount of Rs.1,05,000/ within two months of his release, failing which the



Court below shall cancel bail bonds of the petitioner. It is further submitted that the petitioner deposited the said amount and was enlarged on bail. Subsequently, vide order dated 27.2.2020 (Annexure-3) passed in Trial no.93 of 2020 (G.R. no. 27 of 2014), the petitioner was acquitted by the learned Court below. Hence it is prayed that in view of his acquittal the order dated 8.7.2015 (Annexure-1) be modified to the extent that the amount of Rs. 1,05,000/ which had been deposited by him at the time of release on bail, be refunded to the petitioner in view of his acquittal.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and on perusal of the order dated 8.7.2015 (Annexure-1) it transpires that the deposit of the amount of Rs. 1,05,000/ was a condition imposed by this Court for release of the petitioner on bail in connection which Sheohar P.S. Case no. 12 of 2014 which the petitioner accepted and was subsequently released. The deposit was not a conditional order.

As such the petitioner has not made out a case for modification of the order dated 8.7.2015 (Annexure-1).

This application is dismissed.

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(Partha Sarthy, J)

