

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11287 of 2021**

Arising Out of PS. Case No.-1479 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

Ram Kishor Son of Sri Harikant Singh Resident of Village- Kauriya, P.S.-
Madhuban, Distt- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Niranjan Kumar Son of Sri Jagdish Prasad R/o- Parsauniya, P.S.-
Rajepur, Distt- East Champaran. Pin code no.- 845406

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Adv
For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 28-04-2022 Heard the parties.

Petitioner is aggrieved by the orders of modification
passed by 4th Additional Sessions Judge, Muzaffarpur in B.P.
Case No. 108/2020.

The contention of the learned counsel for the
petitioner is that the petitioner is the informant of Ahiyapur PS
Case No. 1479/2019 registered for the offence under Sections
420/406 and 506 of the IPC and under Section 138 of the NI
Act.

The bail application was filed by the accused person
i.e., Opposite Party No.2 before the learned Sessions Judge,
Muzaffarpur and learned 4th Additional Sessions Judge,



Muzaffarpur allowed the bail application of the OP No. 2 with a condition that the petitioner would furnish Fixed Deposit Receipt (FDR) amounting to the cheque amount, before the trial court drawn in the name of trial court. The said condition was further changed by the learned lower court *vide* its order dated 19.03.2020 on an application filed by the OP No.2 to the extent that the petitioner/OP No. 2 would deposit the amount, amounting to the cheque amount, before the trial court and the trial court would direct the Nazir, Civil Court Muzaffarpur to get it deposited in any nationalized bank in the highest interest yielding fixed deposit for the period of one year and would submit the fixed deposit receipt, drawn in the name of trial court before the trial court.

Further, another application for modification was filed by the OP No.2 before the 4th ADJ, Muzaffarpur, upon which, the learned 4th ADJ, Muzaffarpur *vide* order dated 21.03.2020, again changed the condition of bail and directed the OP No.2 to deposit the amount by cheque amounting to the cheque amount, before the trial court and the trial court would direct the petitioner/OP No.2 to renew the said cheque periodically before expiry of the cheque.

Learned counsel for the petitioner submits that the



condition of bail continuously being changed by the learned court below, is not permissible in law.

I have heard the learned counsel for the petitioner.

The court while granting bail can put a reasonable condition and has the discretion to change the condition. The learned 4th Additional Sessions Judge, Muzaffarpur while granting bail in its wisdom and after application of judicial mind has changed the condition of bail on an application filed by the OP No.2 which has not caused any prejudice to the petitioner.

Accordingly, I do not find any infirmity in the order impugned. The instant application stands dismissed.

(Anil Kumar Sinha, J)

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