

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.59526 of 2021

In

CRIMINAL MISCELLANEOUS No.35828 of 2021

Arising Out of PS. Case No.-35 Year-2013 Thana- DUMRAO District- Buxar

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1. Md. Naushad Ali @ Md. Naushad, aged about 39 years, male, S/o Yunus Alam @ Md. Yunus @ Yunus @ Md. Yunus Gul.
 2. Jubair Alam @ Md. Jubair Alam, aged about 43 years, male, S/o Yunus Alam @ Md. Yunus @ Yunus @ Md. Yunus Gul.
 3. Md. Yunus @ Md. Yunus Alam @ Yunus @ Md. Yunus Gul, aged about 79 years, male, S/o Late Gul Mohammad.

All are R/o Mohalla- Thakur Lohar Ki Gali, Ward No. 12, Dumaraon, P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ajay Kumar Deep, S/o Munindrika Sah, R/o village- Hwna Chiti, P.S.- Tilthaudhu, District- Rohtash.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
For the State : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

7 02-11-2022 Heard the learned counsel for the parties.

The petitioners were granted anticipatory bail
by this Court *vide* order dated 23.12.2013, passed in Cr.



Misc. No. 28240 of 2013, in connection with Dumraon P.S. Case No. 35 of 2013 instituted for the offences under Sections 420 and 406 of the Indian Penal Code, but under the condition that they would pay back the amount deposited by the informant within six months from the date of passing of the order and show the original receipts of deposit in favour of M/s Garib Newaz India Gas Pvt. Ltd.

The petitioners were granted reprieve till six months.

However, for reasons which was explained by the petitioners in Cr. Misc. No. 81739 of 2019 seeking extension of time for depositing the amount, the order dated 23.12.2013 was modified *vide* order dated 06.10.2020 and it was directed that a total amount of Rs. 5,00,000/- be paid by the petitioners by 06.12.2020, when they shall be granted bail.

The petitioners appear to have made such payment to the informant but only after six months of



the time-frame provided by this Court in the order dated 06.10.2020 passed in Cr. Misc. No. 81739 of 2019. However, the amount was accepted by the informant.

In the meanwhile, the records of the case before the Court below got destroyed, but the same was reconstructed at the instance of the petitioners.

The petitioners have not been able to take bail because of all these factors and, therefore, have prayed for modification of the order dated 06.10.2020 to the extent that now when the entire money has been paid to the informant, they be granted permanent bail on their surrendering before the Court below.

Regard being had to the facts afore-noted, the order dated 06.10.2020 is modified to the extent that in case now the petitioners surrender before the Court below within a period of four weeks, to be counted from today, they shall be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount



each to the satisfaction of the learned Chief Judicial Magistrate, Buxar, District – Buxar in connection with Dumraon P.S. Case No. 35 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The order dated 06.10.2020 stands modified to the extent indicated above.

(Ashutosh Kumar, J)

Praveen-II/Anuradha

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