

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.621 of 2022

Arising Out of PS. Case No.-186 Year-2022 Thana- NAUBATPUR District- Patna

Md. Jawed Alam Son Of Late Ashique Hussain Resident Of Rajak Colony,
Near Alamganj, Dalal Ji Masjid, P.S.- Alamganj, District- Patna-800007
... .. Petitioner/s

Versus

The State Of Bihar
... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Alok Ranjan, Adv.
For the Respondent/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-09-2022 Learned counsel for the petitioner is permitted to
remove the defects by 17.10.2022.

Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner submits that vide
order dated 23.06.2022 passed in B.P. No.409 of 2022, learned
Additional Sessions Judge-I, Danapur granted provisional bail to
the petitioner subject to the condition that the trial court shall
accept the bail bond of the petitioner when the petitioner will
submit a demand draft of Rs.2,50,000/- in the name of the
informant and thereafter the petitioner shall make payment of
Rs.2,00,000/- per month. Learned counsel submits that on perusal
of the order dated 23.06.2022 it will appear that in the said case
the total amount covered under the cheques and other modes were
recorded as Rs.12,50,000/-. It is this amount which the petitioner
was ready to pay.



Grievance of the petitioner is that five days after passing of the aforesaid order, a miscellaneous petition was filed by the informant and taking note of the statements made therein that the petitioner would be liable to pay Rs.21,60,000/- and this fact has been mentioned by the accused himself in his bail application saying that he is ready to make payment of the entire amount, the learned court below vide its order dated 28.06.2022 modified its order wherein it is stated that the learned trial court shall accept the bail bond of the petitioner when the petitioner shall submit a demand draft of Rs.4,00,000/- in the name of the complainant and thereafter the petitioner shall make payment of Rs.3,00,000/- per month. In case the petitioner fails to comply with the order, his bail bond shall be liable to be cancelled by the learned court below and if the petitioner makes payment within the stipulated period his bail bond shall be confirmed.

On query made by this Court, Mr. Alok Ranjan, learned counsel for the petitioner informs that after the order dated 28.06.2022 was passed, the petitioner submitted a demand draft of Rs. 4,00,000/- with his bail bond and the same was accepted. Thereafter the petitioner has paid one installment of Rs.3,00,000/- but has failed to pay further installments.

Learned counsel for the State submits that the petitioner having accepted the order dated 28.06.2022 which shows the



reasons also, cannot maintain this application to challenge the same order out of which he has already derived the privilege of bail. If at all the petitioner was looking for some more time to pay the monthly installments, he could have very well applied before the same court giving reasons thereof.

This Court finds substance in the submissions of learned APP for the State. The petitioner has availed the benefit of the order dated 28.06.2022 and has complied with the same without any demur. Three months after the said order, he has chosen to file the present application.

This application has, thus, no merit. It is dismissed accordingly.

Petitioner is at liberty to file an appropriate application in the court of learned Additional Sessions Judge-I, Danapur seeking extension of time which will be considered on its own merit. Until such application is filed, the petitioner would be obliged to keep on complying with the order dated 28.06.2022.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

