

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4753 of 2022
In
CRIMINAL MISCELLANEOUS No.23328 of 2021

Arising Out of PS. Case No.-309 Year-2019 Thana- CHHATAUNI District- East Champaran

1. Sneha Ashish Bhattacharya, aged about 30 years, Male, S/o Bijan Bihari Bhattacharya, Resident of Kachari, P.S.- Bhupati, Nagar, District- East Mednipur, West Bengal.
2. Mirtunja Sahu, aged about 40 years, Male, S/o Hari Podo Sahu, R/o village- Bangrupari, P.S.- Bhagwanpur, District- East Mednipur, West Bengal.
3. Gautam Kumar Sahu, aged about 46 years, Male, S/o Milan Kumar Sahu, R/o village- North Sandalpur, P.S.- Icchobari, District- East Mednipur, West Bengal.
4. Krishna Chandra Das, aged about 23 years, Male, S/o Manoranjan Das, R/o village- Radhapur, P.S.- Bhupatinagar, District- East Mednipur, West Bengal.
5. Bipplaw Pahari, aged about 36 years, Male, S/o Makahi Pahari, R/o village- Krishnapur Bandhuchak, P.S.- Beldar Mukti Nagar, District- Mednipur, West Bengal.
6. Subhash Mathani, aged about 45 years, Male, S/o Bijan Mathani, R/o village- Purvi Pahari, G.P.- 9, Lata Bariya, P.S.- Bhupati Nagar, Bhawanipur, District- East Mednipur, West Bengal.
7. Vishwajeet Bera, aged about 40 years, Male, S/o Sukumar Bera, R/o village- Dakshai Bariya, P.S.- Bhupati Nagar, District- East Mednipur, West Bengal.
8. Somen Mandal @ Soman Mandal, aged about 44 years, Male, S/o Mohan Mandal, R/o village- Jamboli, P.S.- Salbonic, West Mednipur, West Bengal.
9. Sashank Bera, aged about 36 years, Male, S/o Sukumar Bera, R/o village- Panpara, P.S.- Salbonic, District- West Mednipur, West Bengal.
10. Victor Mathani @ Victor Maity @ Victor Mauti, aged about 33 years, Male, S/o Belai Charan Mauti, Resident of Hemathani, P.S.- Santang, District- West Mednipur, West Bengal.

... .. Petitioners

Versus

1. The State of Bihar Bihar
2. Anand Kishore Mishra, S/o Baidyanath Mishra, Resident of Batrauliya, P.S.- Chhatauni, District- East Champaran at Motihari.

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ramakant Sharma, Sr. Advocate and Mr. Lakshmi Kant Sharma, Advocate
For the Opposite Party : Mrs. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-02-2022

Due to the third wave of COVID-19 Pandemic, the



matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned senior counsel for the petitioners and learned A.P.P. for the State.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

The present application has been filed for modification of the order dated 22.01.2021, passed in Cr. Misc. No. 22465 of 2020, by which on submission made on behalf of the petitioners, the petitioner nos. 1 and 2 were directed to deposit jointly the amount of Rs. 10,00,000/- (Rupees Ten Lacs) in the learned court below, which was to be subject to final disposal of the case. On doing so, all the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of eight weeks from today i.e., 22.01.2021, were directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran, in connection with Chhatauni P.S. Case No. 309 of 2019, subject to the conditions



as laid down under Section 438(2) of the Code of Criminal Procedure but due to some unavoidable circumstances, the direction to deposit Rs.10,00,000/- (Rupees Ten Lacs) jointly in the learned court below which was subject to final disposal of the case, passed vide order dated 22.01.2021, in Cr. Misc. No. 22465 of 2020, could not be complied with.

Thereafter, a modification application vide Cr. Misc. No. 23328 of 2021 was filed by the petitioners for modification of the order dated 22.01.2021 passed in Cr. Misc. No. 22465 of 2020 wherein the petitioners had stated that the petitioner nos. 1 and 2 are ready and willing to abide by the order passed by the Hon'ble Court, but since the petitioner nos. 1 and 2 are in dearth of money so they seek further two months' time for depositing the money as directed by this Court. Taking into account that the petitioner nos. 1 and 2 were ready and willing to abide by the order of this Court, this Court vide order dated 11.08.2021 passed in Cr. Misc. No. 23328 of 2021 allowed the prayer and gave further six weeks' time to petitioner nos. 1 and 2 to comply with the direction to deposit Rs. 10,00,000/- (Rupees Ten Lacs) jointly in the learned court below and also extended the period of surrender by further eight weeks.

Now, the present application is the second attempt for



seeking modification of order dated 22.01.2021, passed in Cr. Misc. No. 22465 of 2020 filed on behalf of the petitioners and the order dated 11.08.2021, passed in Cr. Misc. No. 23328 of 2021.

Interestingly, in the present modification application, it has been stated that the petitioner nos. 1 and 2 have been able to manage only a sum of Rs. 5,00,000/- (Rupees Five Lacs) and they seek further three months' time to deposit the remaining amount of Rs. 5,00,000/- (Rupees Five Lacs).

From the above noted facts, it is evident that the petitioners do not intend to abide by the order passed by this Court. This Court has already given enough indulgence to the petitioners. However, the petitioners' conduct reflect that they are taking the process of the Court for a ride. For this reason, they are not entitled to any further relief from this Court. Their prayer for modification is rejected.

Accordingly, the present modification application is dismissed.

(Sudhir Singh, J)

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