

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20476 of 2023

In
CRIMINAL MISCELLANEOUS No.64324 of 2021

Arising Out of PS. Case No.-588 Year-2021 Thana- PHULWARISHARIF District- Patna

Satish Kumar @ Satish Malakar son of Jagdish Bhagat Village- Chunauti
Kuan Bhagat Singh Chowk Ps- Phulwari Sharif Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Srivastava

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-03-2023 This application has been filed for modification of
order dated 10.03.2022 passed in Cr. Misc. No. 64324 of 2021.

Learned counsel for the petitioner has submitted that
earlier petitioner was granted bail by order dated 10.03.2022
passed in Cr. Misc. No. 64324 of 2021 with two condition that

(i) petitioner would return Rs. 5 lacs to the
informant within week of his release and rest
amount of Rs. 50.31 lacs would be returned to the
informant in five equal installments within further
twelve months.

(ii) if the petitioner fails to comply with this
condition, informant would be at liberty to
proceed for cancellation of bail bonds of the
petitioner.



The petitioner was released on bail on 16.03.2022 in terms of order dated 10.03.2022. On 21.03.2022 Rs. Five lacs has been deposited before court below vide bank draft dated 17.03.2022. On 23.05.2022 petitioner deposited Rs. 10,06,200/- vide bank draft dated 23.05.2022. Thereafter, petitioner came to know that a petition for cancellation of bail has been filed before the Hon'ble Supreme Court vide SLP (Criminal) NO. 7763 of 2022 challenging the order dated 10.03.2022. The petitioner was served with notice by Hon'ble Supreme Court vide order dated 18.08.2022 and he appeared before the Hon'ble Apex Court and filed counter affidavit which is pending vide Annexure-3. While the petitioner was at Delhi he fell ill and after recovery return back to Patna, but because of long recovery period, petitioner could not arrange the rest amount of Rs. 40,24,800/-. It is next submitted that petitioner could not sell his share of ancestral land, as Title Partition Suit No. 47 of 2017 filed by *Fua* of petitioner, in which petitioner is party and restrained to sell any property granting injunction dated 19.09.2019. Therefore, petitioner undertakes to arrange the required amount and pay within six months further time.

In view of the aforesaid fact, six months further time from the date of receipt of this order is allowed to the petitioner



for deposit of the required amount.

In view of the reasons assigned, this modification application is accordingly, allowed. The order dated 10.03.2022 is modified to the extent as indicated above.

(Prabhat Kumar Singh, J)

vinita/-

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