

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30103 of 2023

In
CRIMINAL MISCELLANEOUS No.5690 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- GANDHIMAIDAN District- Patna

Shabana Rahman Wife of Md. Hamidur Rahman Residing At Hotel Daisy,
Dariyapur Road, Po Bankipur, Ps Pirbahore, Distt- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mohammad Nizar Hussain @ Nejaj @ Md. Neyaz Raza Son of Md. Nazir Habib Hasnain Resident Of Village- Abgilla, Manpur, Near Chhoti Masjid, Ps- Mufassil, Distt- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Helal Ahmad, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-07-2023 This application has been filed for modification of order dated 05.12.2022 passed by this Court in Cr. Misc. No. 5690 of 2022.

2. Pursuant to the impugned order dated 10.05.2023 passed by this Court, a Report *vide* Letter No. 93 dated 27.05.2023 has been submitted. From perusal of the said Report, it appears that the order dated 05.12.2022 passed in Cr. Misc. No. 5690 of 2022 by this Court has not been understood in its correct perspective.

3. It is the case of the informant that she has paid Rs. 1,02,00,000/- (one crore two lacs) to the Power of Attorney



Holder, Amrin Nazar and her husband Mustaque Ahmad for purchasing of flat. By filing supplementary affidavit, petitioners have admitted due of Rs. 70,00,000/- (seventy lacs) and rest of the amount is disputed by the petitioners. Hence, petitioners were directed to return Rs. 70,00,000/- (seventy lacs) in installments and as such, the observation that 'The said deposit shall be subject to the final outcome of the case' will not come in the way.

4. In that view of the matter, court below is directed to hand over the Bank Draft to the informant, as stated to have been filed by the petitioners and further six weeks' time from today is extended to the petitioners to surrender before the court below.

5. It is made clear that without going into the merit, this order has been passed for the purpose of bail and payment of the aforesaid amount shall be subject to result of this case.

6. Hence, order dated 05.12.2022 passed by this Court in Cr. Misc. No. 5690 of 2022 is modified to the above extent.

(Prabhat Kumar Singh, J)

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