

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66526 of 2021**

Arising Out of PS. Case No.-272 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Ranjeet Kumar Singh @ Pappu Singh, S/O Late Ramraj Singh R/O Mohalla-
Chand Chaura, P.S.- Vishnupad, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhananjay Kumar Singh, S/o Sri Tapeswar Singh R/o Vir Kunwar Singh
Colony, Road No. 9, PS-Magadh Medical, District-Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No.2- Advocate
For the State	:	Mr. Rajiv Nayan- A.P.P.
For opposite party no.2:	:	Mr. Dharmendra Kumar Sinha- Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 21-12-2023 1. Heard learned counsel for the petitioner, learned

counsel for the opposite party no.2 and learned APP for the

State.

2.The learned counsel for the petitioner submits

that the present application has been filed seeking quashing

of the order dated 09.09.2021 passed by Miss Nutan

Kumari, the learned Judicial Magistrate, 1st Class, Gaya in

Magadh Medical (M.M.C.H.) P. S. Case No. 272 of 2019,

G.R. No.6043 of 2013, whereby bail bonds of the petitioner

has been cancelled.

3.The leaned counsel for the petitioner submits



that the opposite party no.2, herein, had instituted the aforesaid F.I.R. against the petitioner under Sections 504, 506, 420, 323, 406 and 34 of the I.P.C. read with Section 138 of the N. I. Act. It is next submitted that petitioner accordingly moved before this Court by filing Cr. Misc. No.31331 of 2020 seeking anticipatory bail. It is next submitted that this Court granted provisional anticipatory bail for a period of three months to the petitioner by order dated 09.02.2021 with a condition that petitioner shall be depositing 25 percent of the amount of Rs.17 Lacs, which the informant would have right to withdraw subject to the result of the criminal prosecution. The learned counsel submits that the petitioner in compliance of the order dated 09.02.2021 in Cr. Misc. No.31331 of 2020, surrendered before the learned trial Court and was released on provisional anticipatory bail, but for some reason beyond the control of the petitioner, he could not deposit 25 percent of the amount in the learned trial Court, which led the informant to file an application seeking cancellation of his provisional bail bonds. It is submitted that thereafter, the



order dated 09.09.2021 was passed whereby the provisional bail bonds of the petitioner was cancelled which is impugned in the present quashing application.

4.The learned counsel for the petitioner next submits that he is aware of his limitation in arguing this matter. It is submitted that in the event, if the order dated 09.09.2021 passed by the learned trial Court whereby provisional bail bonds of the petitioner has been cancelled, is set aside in that event, the condition laid by this Court in Cr. Misc. No.31331 of 2020 shall stand breached as the petitioner did not deposit 25 percent of Rs.17 Lacs, which was a condition precedent for confirming his provisional bail. The learned counsel submits that in garb of this petition, the petitioner is not seeking review of the order dated 09.02.2021 in Cr. Misc. No.31331 of 2020 rather is merely seeking extension of time the condition remaining the same.

5.The learned counsel for the petitioner next submits that no useful purpose would be served by sending the petitioner to jail when he is ready to deposit 25 percent of Rs.17 Lacs for which he has also got a demand draft



dated 21.11.2023 bearing no.659976 for an amount of Rs.4,25,000/- drawn on Punjab National Bank, Chand Chaura, Gaya in favour of Dhananjay Kumar Singh (opposite party no.2). The learned counsel submits that the petitioner will deposit the said demand draft before the learned trial Court by 05.01.2024.

6. The learned counsel for the opposite party no.2 thus does not object the present quashing application.

7. Considering the submission made by the learned counsel for the petitioner, the order dated 09.09.2021 passed by Miss Nutan Kumari, the learned Judicial Magistrate, 1st Class, Gaya in Magadh Medical (M.M.C.H.) P. S. Case No. 272 of 2019, G.R. No.6043 of 2013, whereby bail bonds of the petitioner has been cancelled, **is hereby set aside.**

8. However, it is made clear that in the event, if the petitioner does not deposit the demand draft by 05.01.2024, the learned trial Court shall be at liberty to pass orders in accordance with law. It is further made clear that in the event, if the petitioner deposits the demand draft by



05.01.2024, in that event, the provisional bail bonds of the
petitioner shall stand confirmed.

(Satyavrat Verma, J)

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