

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23169 of 2024

In
CRIMINAL MISCELLANEOUS No.30635 of 2021

Arising Out of PS. Case No.-6 Year-2017 Thana- VIGILANCE District- Patna

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SRI ALOK KUMAR @ ALOK KUMAR Son of Late Ramadhar Prasad Singh The then Special Land Acquisition Officer, Jamuai, Presently at General Administration Department, Patna, waiting for Posting, Resident of Riding Road, Bihar Veterinary College, Sheikh Pura, Police Station- Hawaii Adda, Dist.- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Station House Officer, Vigilance Investigation Bureau 6, Circular Road, Patna, Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Brajesh Kumar Tiwari, Advocate
For the State	:	Mr. Lalan Kumar, APP
For Opposite Party No.2	:	Mr. Rana Vikram Singh, Spl.PP (Vig.)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-09-2024 Heard Mr. Brajesh Kumar Tiwari, learned counsel appearing on behalf of the petitioner, Mr. Lalan Kumar, learned APP appearing on behalf of the State and Mr. Rana Vikram Singh, learned Spl.PP appearing for the Vigilance Department.

2. This modification application has come under the heading “To be mentioned” on the motion made by learned counsel appearing on behalf of the petitioner, Mr. Brajesh Kumar Tiwari, praying for recall of the last order dated 05.09.2024 by which anticipatory bail granted to the petitioner vide order dated 22.12.2021 passed in Cr. Misc. No. 30635 of



2021 has been recalled by this Hon'ble Court whereas the prayer was to release the money in favour of the petitioner that was deposited by him pursuant to the directions passed in Cr. Misc. No. 30635 of 2021.

3. From perusal of the records, it transpires that the prayer has substance.

4. Accordingly, the prayer is allowed and the last order dated 05.09.2024 passed in this application is recalled and substituted by the following order:

“Heard learned counsels for the parties.

2. This application has been filed for modification of the order dated 22.12.2021 passed in Cr. Misc. No. 30635 of 2021 whereby this Court was pleased to grant anticipatory bail to the petitioner with a direction that he shall deposit a sum of Rs. 5,00,000/- (five lakh) before the learned court below, which shall be subject to final outcome of the case.

3. It is submitted by learned counsel appearing on behalf of the petitioner that pursuant to the directions passed by this Hon'ble Court vide order dated 22.12.2021 in Cr. Misc. No. 30635 of 2021, petitioner has already deposited the sum of Rs. 5,00,000/- before the learned Civil Court, however, petitioner prays that the aforementioned amount be released in favour of him.

4. On the other hand, learned counsel appearing on



behalf of the State and learned senior counsel appearing on behalf of the vigilance have vehemently opposed this modification application and submitted that after lapse of three years, this modification application has been filed. It is further submitted that the aforementioned order was passed in presence of the parties and with the consent of the petitioner and, therefore, it does not require any interference.

5. Considering the aforesaid facts and circumstances of the case, rival submissions, nature of accusation and the fact that the aforesaid order was passed in presence of the parties and the deposited amount is subject to final outcome of the case, this modification application is rejected.

6. Accordingly, the order dated 22.12.2021 passed in Cr. Misc. No. 30635 of 2021 needs no modification.”

5. Office is directed to communicate a copy of this corrected order through email/fax to the learned trial court, forthwith.

(Prabhat Kumar Singh, J)

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