

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50381 of 2024

In
CRIMINAL MISCELLANEOUS No.11753 of 2023

Arising Out of PS. Case No.-695 Year-2020 Thana- DANAPUR District- Patna

Rakesh Kumar Shrivastava son of Late Bali Ram Prasad Shrivastava @ Late Sachidanand Prasad @ late Udhaw lal Village- Tikaita, Ps- Turkauliya Dist- E.Champaran, A/P- Nexes Trading Counsiling Gopi Tower 5th floor Room NO-501, Saguna More Ps- Danapur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-07-2024 Heard the parties.

2. The petitioner is a hardened criminal inasmuch as a bare perusal of paragraph-4 would show that he is accused in connection with six criminal cases (including the present case) all of the same nature under section 406, 409 and 420 of the Indian Penal Code beside the other sections.

4. Earlier, when the Cr. Misc. No. 11753 of 2023 was taken up, in view of the categorical statement made by the learned counsel for the petitioner that on the own instruction that he is ready to repay, relief was granted.

5. Ten months later, this case has come up to modify the order as he cannot pay the amount as undertaken by him



which resulted into the relief granted to him.

6. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer submitting that a perusal of the para-4 would show that how he has deceived the people around him and in that backdrop, when he gave an undertaking for making payment, the relief was granted. He chose not to abide by the said undertaking and ten months later wants the said condition to go which may not be allowed.

7. This Court finds force in the submission of learned APP, this is not one of case, the petitioner is in the habit of deceiving people and in the present case, huge amount has been taken and only on the undertaking the relief was granted.

8. In that background, the Cr. Misc. No. 50381 of 2024 stands rejected.

9. In view of the fact that the petitioner is in custody, the Trial Court is directed to expedite the trial and conclude the same within a period of nine months from today.

(Rajiv Roy, J)

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