

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52111 of 2024

In
CRIMINAL MISCELLANEOUS No.44571 of 2022

Arising Out of PS. Case No.-274 Year-2020 Thana- NAWANAGAR District- Buxar

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Jitendra Kumar Yadav S/O Yugulkishor Yadav @ Yugal Yadav @ Yugal Kishore Yadav R/O Village- Pipra, P.O- Taraiya Sujan, P.S- Sorai, Distt.- Kushi Nagar (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Lal Saheb Yadav S/O Raj Narayan Yadav R/O Village- Agora, P.S- Agora, Distt.- Jaunpur (Uttar Pradesh). Presently Posted On The Post Of Assistant Manager, Iffco, E. Bazar, Bihar Lok Nayak Bhawan, Frazer Road, Patna-800001.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-09-2024 Heard Mr. Aryan Singh, learned counsel appearing on behalf of the petitioner and Mr. Nirmal Kumar Sinha, learned A.P.P. for the State.

2. The present application has been filed for modification of the order dated 24.04.2023 passed in Cr. Misc. No.44571 of 2022, whereby, on instruction of the petitioner that he is ready to deposit a sum of Rs. 13,25,218/-, which was allegedly defalcated in connection with Nawanagar (Sonbarsa O.P.) P.S. Case No. 274 of 2020 in six installments, the petitioner was directed to be released on provisional bail till six



months, which was to be made absolute, if the petitioner deposits the entire amount within a period of six months in view of undertaking given by him.

3. Today, the petitioner has shown his inability to abide by his own undertaking and seeks that for depositing the entire amount, six months more time may be granted to him.

4. Considering the fact that the petitioner having undertaken to deposit the amount within a further period of six months, he must abide by his own undertaking otherwise it will amount to commit fraud upon the Court. I find it proper to modify the order dated 24.04.2023 passed in Criminal Miscellaneous No. 44571 of 2022 subject to the condition as laid down under Section 438(2) of the Cr.P.C.

5. Accordingly, the present modification application is disposed of.

(Purnendu Singh, J)

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