

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58421 of 2024

In
CRIMINAL MISCELLANEOUS No.36812 of 2023

Arising Out of PS. Case No.-373 Year-2017 Thana- DUMRAO District- Buxar

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Ritikesh Rai, Gender- Male, aged about 39 years, son of Manoj Rai,
Proprietor Ritiyara Agro Foods (OPC) Pvt. Ltd., 2nd Floor Vaishali, Gajiyabad,
U.P. at Present resident of village- Amdariya, P.S.- Ratsar, District- Balia
(U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lal Bahadur Ojha, Male, son of Sri Laxmikant Ojha, resident of Naya Bhojpur, P.S. - Dumrown Naya Bhojpur, District- Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Neerad Parashar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. This modification application has been filed for
modification of the order dated 22.05.2024 passed in Cr. Misc.
No.36812 of 2023 by which the petitioner was granted regular
bail subject to certain condition.

3. Learned counsel for the petitioner submits that the
petitioner was granted bail subject to payment of rupees twenty
five lakhs in six installments out of which rupees five lakh was
to be paid at the time of furnishing bail bonds and rest amount
in five equal installments. Learned counsel further submits that



the petitioner met with an accident due to that his Manager misused the cheques for which the petitioner's wife has filed a case against the wrongdoers. Petitioner is in custody since long and he is not in a position to pay the amount in question even in installments.

4. Perused the record.

5. As per the prosecution case, the petitioner gave three cheques of Rs.16,00,000/-, Rs.23,45,000/- and Rs.7,42,484/- respectively to the informant in lieu of supply of 2500 quintals of oats by him, but when the same was deposited by the informant in the bank, the same got bounced.

6. On 22.05.2024, during the course of hearing of bail application of the petitioner, counsel for the petitioner himself, in order to get bail, submitted that the petitioner is ready to pay rupees twenty five lakhs in six installments without prejudice to his case which shall be subject to final outcome of the trial upon which order was passed granting bail to the petitioner subject to payment of rupees five lakh at the time of furnishing bail bonds and the rest amount of in five equal installments. The petitioner himself offered that he is ready to pay rupees twenty five lakhs out of the disputed amount of Rs.47,50,000/- and now, he is submitting that he is not in a position to pay the amount. The



order dated 22.05.2024 granting bail to the petitioner was a consensual order and now he is trying to get rid of payment of rupees twenty five lakhs and get bail.

7. There is no justification to modify the order order dated 22.05.2024 passed in Cr. Misc. No.36812 of 2023 specially when the same was passed on the submission of learned counsel for the petitioner that he is ready to pay rupees twenty five lakhs in equal installments.

8. I find no merit in this application.

9. Accordingly, the same is hereby dismissed.

(Khatim Reza, J)

J. Alam/-

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