IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80056 of 2023

Arising Out of PS. Case No.-5556 Year-2022 Thana- PATNA COMPLAINT CASE District- Patna

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DR. ABHAY KUMAR @ ABHAY KUMAR S/O LATE TARA HANRA PRASAD R/O VILLAGE- ADAPUR, SHYAMAPUR BAZAR, P.S- ADAPUR, DISTT.- EAST CHAMPARAN.

... ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mrs.Anju Mishra, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP
For the complainant : Mr. Sanjeev Sharan, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 15-04-2024 Heard Mrs. Anju Mishra, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, APP for the State as also Mr. Sanjev Sharan, representing the complainant.

2. In this case, an order was passed on 21.3.2024 by which the petitioner was extended the anticipatory bail on certain conditions incorporated hereinbelow:

"4. at the outset, learned counsel for the petitioner Ms. Anju Mishra submits that to put the matter at rest, the petitioner is ready to pay the amount and he intends to sell his land for the said purpose and in that background,

some time be granted so entire amount of Rs. 11,00,000/- is paid;

5. learned counsel appearing on behalf of the complainant concurs that as the case has already been instituted and the petitioner will have to face the music, so far as the grant of anticipatory bail is concerned, if he is ready to pay the amount, he do not have any objection for granting the relief;

6. the learned counsels after deliberations came to the conclusion and is incorporated herein below regarding the payment of Rs. 11,00,000/-.

(i). the petitioner will be handing over a Draft of Rs. 1,00,000/- issued by the State Bank of India to the complainant which will be submitted alongwith the surrender-cum-bail petition and

in turn will go to the complainant through the Court after checking his credentials.

(ii) so far as the rest of the amount (Rs. 10,00,000/-) is concerned, from the month of May 2024 till the end of August, 2027, the petitioner shall be clearing Rs. 25,000/- per month by 15th of every month without fail.

7. it is made clear that failure to default, the complainant shall be free to prefer petition for cancellation of his bail.

3. Now, it has come on the prayer of the learned counsel for the petitioner that the money that has been ordered to be handed over to the complainant should be allowed to be credited to the Bank which in turn will release the same to the complainant.

4. Learned counsel for the complainant submits that in that case, the amount cannot be restricted to Rs. 11 lakh as once

the amount goes to the Bank naturally, he will be asking for the interest part which may have accrued as against his amount, the petitioner had taken loan. Though, he submits that he has no objection, if though his amount (Rs. 11 lakh) is routed to the Bank and then comes to him.

5. This Court finds force in the submission put forward by Mr. Sanjeev Sharan. If the petitioner intends to make payment to the Bank, Rs.11 lakh has to come through the Bank to the petitioner. It is for the Bank to decide whether besides Rs. 11 lakh, the interest amount is also chargeable to the petitioner or not. Another point raised by Mr. Sanjeev Sharan is that in terms of the conditions that has been made in the order, all the payments that the petitioner made, the copy of the receipt may be directed to be deposited to the concerned Court. This Court finds it just and proper.

6. Accordingly, the order dated 21.3.2024 is modified to only following extent:

(i) the amount that the petitioner will get will be routed through the Bank (Central Bank of India Boring Road, Patna);

(ii) every amount that will be deposited in the Bank, the copy of the receipt thereof has to be submitted before the concerned Court.

7. The order dated 21.3.2024 stands modified to that extent.

8. Since the petitioner wanted modification of the order, the period of surrender is extended further four weeks from today.

(Rajiv Roy, J)

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