

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32347 of 2025

In
CRIMINAL MISCELLANEOUS No.36847 of 2024

Arising Out of PS. Case No.-222 Year-2023 Thana- DELHA District- Gaya

Ashish Gupta S/O- Mahesh Gupta @ Mahesh Kumar R/O- B-27, Tagore
Road, Adarsh Nagar, Ps-Adarsh Nagar, District-New Delhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Vishal Mahto S/o- Gyan Prakash Singh Moh- Bhaluahi Kharkhura Ps-
Delha Dist- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Jha, Adv.
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 11-07-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present application has been filed for
modification of the order dated 03.04.2025 passed in Cr. Misc.
No. 36847 of 2024 by which the provisional bail granted to the
petitioner was confirmed with certain terms and conditions
stated therein.

3. Learned counsel for the petitioner submits that on
03.04.2025, on instruction, the counsel for the petitioner
submitted before the Court that for final settlement of the matter
the petitioner is ready to pay Rs.21 lacs to the informant but, in



installments which is also apparent from para-5 of the order dated 03.04.2025. Also, the counsel for the informant accepted that the informant is ready to settle the dispute by accepting Rs.21 lacs which is also apparent from para-6 of the order dated 03.04.2025. However, in the order dated 03.04.2025, while confirming the provisional bail of the petitioner, the fact of final settlement of dispute between the parties on payment of Rs.21 lacs by the petitioner to the informant is inadvertently missing due to which in Para-7 in condition-IV of the order dated 03.04.2025 a condition has been imposed that the amount so given by the petitioner to the informant will remain subject to the final outcome of the case and further condition-VI, a condition has been fixed that the petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below. It is further stated if the said fact of the final settlement of the dispute would have been recorded, the condition no. IV and VI in Para-7 of the order dated 03.04.2025 could not have been imposed.

4. Accordingly, learned counsel for the petitioner



prays for modification of the aforesaid order dated 03.04.2025 to the extent that the amount of Rs. 21 lacs has been agreed to be paid by way of final settlement of the dispute between the parties arising out of Delha P.S. Case No. 222 of 2023 and accordingly, condition no.7 (IV)(VI) along with para-5 may be modified to the said extent and accordingly time period for making payment of the agreed amount may also be modified and the period of payment may be considered from passing of the order in the present modification petition.

5. Heard learned counsel for the parties at length and perused record. Having gone through the materials available on record, this Court is inclined to modify only paragraph no.5 of the aforesaid order dated 03.04.2025 and the same is reproduced herein below;

“5. In course of hearing, learned counsel for the petitioner submits on behalf of the petitioner that the petitioner is ready to pay Rs. 21,00,000/- (Twenty-One Lac Only) to the O.P. No.2 as settlement made in between the parties but, in equal installments.”

6. Accordingly, the aforesaid order dated 03.04.2025 passed in Cr. Misc. No. 36847 of 2024 stands modified to the extent indicated above. The rest part of the order shall remain



intact.

7. Modification petition stands allowed to the aforesaid
extent.

(Rudra Prakash Mishra, J)

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