

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54102 of 2017

Arising Out of PS. Case No.-311 Year-2017 Thana- DANAPUR District- Patna

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1. Dharam Nath Prasad, Son of Late Jannu Lal Rai,
 2. Aditya Bairagi @ Aditya Bharti, Son of Dharam Nath Prasad @ Daharm Nath Prasad, Both residents of Village- Ushari Shikarpur, P.S.- Shahpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sri Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

40 01-08-2025 Heard learned counsel appearing on behalf of the parties.

2. Out of submission and upon perusal of record, it transpires that a *prima facie* liability of Rs. 40,00,000/- (Rupees forty lacs) was fixed by this Court against petitioners, payable to opposite party no. 2 in terms of order dated 14.03.2018. For the last eight years as, this matter is pending since 2017, out of Rs. 40,00,000/- petitioners paid to informant/opposite party no. 2 about Rs. 29,48,000/- (Rupees twenty nine lacs forty eight thousand).

3. It is conceded by learned counsel appearing for informant that though he is not in a position to say the exact amount but roughly it appears that informant received about Rs. 29,48,000/- (Rupees twenty nine lacs forty eight thousand).



4. Learned counsel for the informant seeks adjournment for further payment.

5. This Court, being a constitutional court, not expected to work as recovery court, as approval of submission as advanced by learned counsel appearing for the informant be taken into consideration, it would amount to indulgence of this Court for recovery.

6. Surprisingly, this matter is pending before this Court for recovery of the amount as discussed aforesaid since last eight years.

7. At this stage, Mr. Anil Kumar Sinha, learned counsel appearing for petitioners **made statement at bar** that balance amount of Rs. 10,50,000/- (Rupees ten lacs fifty thousand) be paid to the informant/opposite party no. 2 in next 10 months @ Rs. one lacs/month.

8. Considering the statement made by Mr. Sinha at bar, the petitioners are directed to pay informant Rs. 1 lac per month, which will be payable on or before tenth day of every english calendar month, and as such, the first installment of Rs. 1 lac be payable on or before 10th August, 2025. The



payment as aforesaid be transferred to the bank account of the informant, which is known to the petitioners or by way of demand draft in favour of informant/opposite party no. 2. The last and tenth payment shall be of Rs. 1,50,000/- (Rupees one lac & fifty thousand) and as such, entire payment must be paid before 30.06.2016.

9. Either for, non-compliance of monthly installments for two consecutive months or non payment of entire amount of Rs. 10,50,000/- before 30.06.2016, bail bond of petitioners shall be cancelled by learned trial court itself.

10. Above said mode of payment also accepted by learned counsel appearing for the informant.

11. With aforesaid, the provisional bail as granted to petitioners vide order dated 04.12.2017 of this Court is hereby confirmed with same bailors and bonds.

12. Accordingly, the present bail petition stands disposed of.

(Chandra Shekhar Jha, J)

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