

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81612 of 2024

In
CRIMINAL MISCELLANEOUS No.25876 of 2023

Arising Out of PS. Case No.-459 Year-2021 Thana- AHİYAPUR District- Muzaffarpur

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1. Manju Devi W/o- Raju Mandal Village- Vishwabhar Patti Ps- Hathauri Dist- Muzaffarpur
 2. Raju Mandal S/o- Late Madri Mandal Village- Vishwabhar Patti Ps- Hathauri Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dilip Kumar S/o- Jawaharlal Rai Village- Rasulpur Wajid Ps-Ahiyapur Dist- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 25-02-2025 Heard learned counsel for the petitioners, learned counsel for the Opposite Party No.2 and learned APP for the State.

2. The petitioners were granted anticipatory bail vide Cr. Misc. No. 25876 of 2023 with Cr. Misc. No. 28835 of 2023 under order dated 22.02.2024 in connection with Ahiyapur P.S. Case No. 459 of 2021, pending the Court of learned C.J.M., Muzaffarpur by a Bench of this Court on the statement made in paragraph no. 02 of the supplementary affidavit filed on behalf of the petitioners in which it was stated that the petitioners



Manju Devi and Raju Mandal were ready to return Rs. 12,00,000/- (Rs. Twelve Lacs) to the O.P. No.2 Dileep Kumar in four equal installments from 21.02.2024 within six months. The same thing was also stated in Paragraph No. 17 of the bail application. The petitioner Raju Mandal and the O.P. No. 2, Dileep Kumar were present in the Court and out of Rs. 12,00,000/- (Rs. Twelve Lacs), the petitioner Raju Mandal had handed over a cheque bearing no. 094857 dated 23.02.2024 issued by the Bank of India, Hathouri Branch, Muzaffarpur, amounting of Rs. 3,00,000/- (Rs. Three Lacs) to the O.P. No.2, Dileep Kumar, in the Court in presence of their learned counsels and the petitioners undertook that the remaining amount of Rs. 9,00,000/- (Rs. Nine Lacs) will be paid to the O.P. No.2, Dileep Kumar within a period of six month through Demand Draft.

3. The petitioners had filed an application vide Cr. Misc. No. 29510 of 2024 for modification of the order dated 22.02.2024 passed in Cr. Misc. No. 25876 of 2023 as the said cheque bearing No. 094857 dated 23.02.2024 duly signed by the petitioner Manju Devi was presented before the Bank which was dishonoured as the signature of the petitioner, Manju Devi, was mismatched. Hence, the petitioners were again ready to return Rs. 12,00,000/- (Rs. Twelve Lacs) to the O.P. No. 2,



Dileep Kumar and out of Rs. 12,00,000/- (Rs. Twelve Lacs) the petitioner, Raju Mandal handed over a Demand Draft bearing no. 015023 dated 16.07.2024 issued by the Bank of India amounting to Rs. 6,00,000/- (Rs. Six Lacs) to the O.P. No.2, Dileep Kumar in the court in presence of their learned counsels and the petitioners undertook that the remaining amount of Rs. 6,00,000/- (Rs. Six Lacs) will be paid to the O.P. No.2, Dileep Kumar within a period of three months in equal installments by way of Demand Draft.

4. Considering the same, the modification application vide Cr. Misc. No. 29510 of 2024 was allowed by a Bench of this Court on 19.07.2024.

5. The petitioners have again filed the present application for modification of the order dated 22.02.2024, passed in Cr. Misc. No. 25876 of 2023 with Cr. Misc. 28835 of 2023. A supplementary affidavit has been filed on behalf of the petitioners stating therein that out of Rs. 12,00,000/- (Rs. Twelve Lacs), firstly the petitioner, Raju Mandal had handed over a Demand Draft bearing no. 015023 dated 16.07.2024 issued by the Bank of India amounting to Rs. 6,00,000/- (Rs. Six Lacs) to the O.P. No.2, Dileep Kumar, in the Court in presence of their learned counsels on 19.07.2024 and secondly a



Demand Draft of Rs. 2,00,000/- (Rs. Two Lacs) was paid to the O.P. No.2 Dileep Kumar on 30.08.2024 and lastly the remaining amount of Rs. 4,00,000/- (Rs.Four Lacs) was paid to the O.P. No.2, Dileep Kumar on 25.10.2024 through a Demand Draft bearing No. 015032 and now no amount is due against the petitioners. Hence, total amount of Rs. 12,00,000/- (Rs. Twelve Lacs) has been paid to the O.P. No. 2, Dileep Kumar. It has been submitted by learned counsel for the petitioners that further time may be granted to the petitioners to surrender in the learned Court below and to furnish bail bond.

6. Considering the aforesaid facts and circumstances of the case and the fact that the petitioners Manju Devi and Raju Mandal has returned the remaining amount of Rs. 4,00,000/- (Rs. Four Lacs) through Demand Draft No. 015032 dated 25.10.2024 to the O.P. No. 2, Dileep Kumar. Hence, total amount of Rs. 12,00,000/- (Rs. Twelve Lacs) has been paid to the O.P. No.2, Dileep Kumar.

7. The present modification application is allowed and the period of surrender of the petitioners in the learned Court below and furnish bail bond is also extended for a further period of four weeks from the date of receipt/production of a copy of this order.



8. Accordingly, the order dated 22.02.2024 passed in
Cr. Misc. No. 25876 of 2023 with Cr. Misc. No. 28835 of 2023
is modified to the extent as indicated above.

(Chandra Prakash Singh, J)

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