

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3158 of 2025

In
CRIMINAL MISCELLANEOUS No.41078 of 2023

Arising Out of PS. Case No.-143 Year-2022 Thana- JAMALPUR District- Munger

Chandan Kumar S/o- Late Ramotar Paswan, R/o Village- Ward No. 6,
Nayagaon Durgasthan, P. S- East Colony, Jamalpur, District- Munger.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Branch Manager of the Central Bank of India, Station Road, Jamalpur,
Munger, Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ratnakar Ambastha, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2025 Heard Mr. Ratnakar Ambastha, the learned counsel

for the petitioner, the learned counsel appearing on behalf of

Central Bank of India and Mr. Binod Kumar, the learned APP

for the State.

2. The present modification petition has been filed on

behalf of the petitioner seeking modification in order dated

17.10.2023, passed in Cr. Misc. No. 41078 of 2023, whereby the

petitioner has been granted the privilege of anticipatory bail on

certain conditions and one of the condition was that:

*“Petitioner shall deposit 25% of the outstanding
aforesaid amount at the time of furnishing his bail
bond to the Bank or his representative and rest of
amount will be paid in twelve installments within a*



period of two years.”

3. Learned counsel for the petitioner submits that after the petitioner has been granted the privilege of anticipatory bail by this Court, it came to the notice of the petitioner that petitioner has sold out the land at the instance of the Branch Manager of the Bank and in lieu of the transfer of land, certain cheques were given to the petitioner and when the same was deposited in the Bank, for want of sufficient fund in the bank, the same could not be transmitted in the loan account of the petitioner and then the Branch Manager himself informed the petitioner to return back the cheques to the vendee of the land and the vendee assured of issuing fresh cheques, but the same was never done by the vendee.

4. Learned counsel for the petitioner submits that thereafter, being aggrieved the petitioner has filed Title Suit No. 03 of 2024 for cancellation of the sale deed against actual non-payment of consideration amount of the petitioner and at the same time the mother of the petitioner also filed Complaint Case No. 276 of 2024.

5. Learned counsel for the petitioner submits that in view of the aforesaid the order dated 17.10.2023 passed in Cr. Misc. No. 41078 of 2023 may be modified to the extent that the



petitioner will pay back the loan amount to the Bank after disposal of the Title Suit No. 03 of 2024 and Complaint Case No. 276 of 2024.

6. Learned counsel for Bank as well as learned counsel counsel for the State on the other hand opposed the prayer for modification and submits that it appears that order was passed on 17.10.2023 and the present modification application was filed in the month of January, 2025 and it also appears that petitioner has no intention to comply with the order dated 17.10.2023 and he has filed the Title Suit No. 03 of 2024 and his mother has filed the Complaint Case No. 276 of 2024 only to linger the issue.

7. In view of the aforesaid, no modification is required in the present case.

8. Accordingly, the modification application stands dismissed.

(Rajesh Kumar Verma, J)

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