

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3804 of 2025

Arising Out of PS. Case No.-05 Year-2019 Thana- SC/ST District- Kishanganj

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1. Rafiqul Islam @ Md Rafiqul islam Son of Abdul Hakim R/o Village - Mohiuddinpur, Pathar Basti, P.S. - Kishanganj, Pin code - 855107 District - Kishanganj, At present Ward no. 13, Ghormora, Chakla, Kishanganj, Dist. - Kishanganj, Pin Code - 855107.
 2. Ful Begam @ Phulwaa Wife of Rafiqul Islam R/o Village - Mohiuddinpur, Pathar Basti, P.S. - Kishanganj, Pin code - 855107 District - Kishanganj, At present Ward no. 13, Ghormora, Chakla, Kishanganj, Dist. - Kishanganj, Pin Code - 855107.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Raj Nandan Prasad
For the State	:	Mr. Sadanand Paswan
For the Respondent-2	:	Mr. Ram Parwesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 7 04-05-2026 1. Heard learned counsel for the appellants, learned counsel for the State as well as learned counsel appearing on behalf of the respondent/informant.
2. The present appeal has been filed being aggrieved by the order, dated 22.07.2024, passed by learned Additional Sessions Judge I -cum- Special Judge SC/ST, Kishanganj, in Special Case No. 59 of 2019, arising out of Kishanganj SC/ST Police Station Case No. 05 of 2019 registered for the offences punishable under Sections 420/406/409/341/323/504/506/427/34 of the Indian Penal



Code and Section 138 of the Negotiable Instruments Act as well as Section 3(1)(e)(r)(s) of the Schedule Caste and Schedule Tribe Act.

3. By the impugned order, the bail bond of the appellants has been cancelled and learned Additional Sessions Judge I, Kishanganj, has directed for issuance of non-bailable warrant (NBW).
4. Mr. Ramakant Sharma, learned senior counsel for the appellants submits that the Special Judge by its order, dated 10.02.2020, granted bail to the appellants subject to the condition that they would deposit first installment of Rs. 30,000/- within 15 days from the date of order and rest of the amount of Rs. 60,000/- would be deposited by them in two installments within 45 days after deposit of first installment. However, due to intervening Covid-19 pandemic, the appellants could not deposit the required amount, whereupon the informant as well as the prosecution filed a petition for cancellation of bail bonds of the appellants.
5. Now, the appellants are ready to pay the amount of three installments in one go, accordingly, learned senior counsel for the appellants has produced before this Court



the demand draft, bearing DD No. 000559, amounting to Rs. 90,000/- prepared in the name of respondent no. 2- Dinesh Ram (informant).

6. Mr. Ram Parwesh Kumar, learned counsel for the respondent no. 2 submits that demand draft may be handed over to him and he, in turn, shall hand it over to respondent no. 2.
7. Considering the submissions advanced by learned counsel for the parties and the fact that demand draft of Rs. 90,000/- has been handed over to learned counsel for the respondent no. 2, this Court modifies the order, dated 22.07.2024, passed by learned Additional Sessions Judge I -cum- Special Judge SC/ST, Kishanganj, to the extent that the bail bond of the appellants shall stand revived and Non-Bailable Warrant issued against the appellants pursuant to impugned order is hereby recalled.
8. This appeal is, accordingly, allowed.

(Anil Kumar Sinha, J)

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