

Patna High Court - Orders

Binay Kumar vs State Of Bihar & Anr on 1 December, 2010

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.26006 of 2010

Binay Kumar, Son of Sri Shiv Lal Sahoo, resident of 307 Sukriti, S.P. Verma  
Road, P.S.-Kotwali, District-Patna. -Petitioner

VERSUS

1. The State of Bihar.
2. Nishant Kumar, Son of Kamleshwar Prasad Singh, resident of Mohalla-P.I.T.  
Colony, 12/31 Kankarbagh, P.S.-Patrakarnagar, District-Patna.

-Opposite Parties

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03 01.12.2010 By this present application, the complainant had sought Court's indulgence to vacate Court's order dated 23.07.2009 passed in Cr. Misc. No.22213 of 2009. By that order the opposite party no.2, namely, Nishant Kumar was directed to be released on anticipatory bail upon first depositing of Rs.40,000/- and then in monthly installments of Rs.40,000/- to liquidate the entire amount pertaining to the two alleged cheques which had been dishonoured. The total is Rs.2,06,102/-. The ground for withdrawal/cancellation of the order is that even though the order was passed almost a year and half back, the said Nishant Kumar had failed to honour the directions of this Court and was absconding.

Upon notice being issued to Nishant Kumar in these proceedings he has now appeared and has tendered a demand draft issued by the State Bank of India, Kadamkuan Branch, being Demand Draft No.153594, for Rs.206102/- in favour of the petitioner, Binay Kumar dated 08.07.2010. The same is handed over to the learned counsel appearing on behalf of the petitioner, Binay Kumar.

In view of the full amount having been deposited the order dated 23.07.2009 passed in Cr. Misc. No.22213 of 2009 is modified to the extent that on appearance of Nishant Kumar in the Court below within four weeks from today, he shall be released on bail on furnishing a bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each subject to other conditions as stipulated in that order.

This application is, accordingly, disposed of.

Trivedi/

(Navaniti Prasad Singh, J.)