

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 2606 of 2026

Sapath Kumar Chandra @ Sapath Kumar Chand, aged
about 57 years, S/o - Late Krishna Chand, resident of
Village - Tulsikita, Pathargama, PO & PS -
Pathargama, District - Godda (Jharkhand).

..... ... Petitioner
Versus
The State of Jharkhand
..... ... Opposite Party

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. K.K. Ojha, Advocate.
For the State : Mr. K.K. Singh, S.C.-V.

04/ 21.08.2026 This petition has been filed for modification of the order dated
26.03.2014, passed in A.B.A. No. 5103 of 2013 by this court.

2. Learned counsel appearing for the petitioner submits that
earlier the privilege of anticipatory bail was provided to the petitioner
subject to the condition put there in the order dated 26.03.2014 passed in
A.B.A. No. 5103 of 2013 and the petitioner was directed to pay
Rs. 35,000/- each to three persons namely Sanjay Kumar Dubey, Rajesh
Sah and Arun Singh and further the bank draft of Rs. 23,000/- issued in
the name of one Jeevan Bhagat. He next submits that the petitioner has not
been able to arrange the said amount and that's why he has not been able
to surrender before the learned court within the stipulated time. He further
submits that now the petitioner has arranged the aforementioned amount
and can deposit the said amount before the learned court within a week.
He then submits that two weeks' time may kindly be allowed to the
petitioner to surrender before the learned court.

3. Learned A.P.P. appearing for the State submits that in spite of
the privilege of anticipatory bail, provided to the petitioner, the petitioner
has not surrendered before the learned court and further the order of the
anticipatory bail is of the year 2014 itself and after lapse of such a long
period, the present modification petition has been filed.

4. Admittedly, the bail granted to the petitioner is statutory bail.

The co-ordinate bench of this court, while granting such bail, imposed an onerous condition, thereby frustrating the very purpose of granting statutory bail. Grant of bail is an exercise of judicial discretion by the Court, based on consideration of several factors. The imposition of conditions while granting bail is also part of such judicial discretion. Such conditions must be based on sound judicial principles and should not be arbitrary or mechanical. Bail conditions should not be imposed merely for the sake of imposing conditions.

5. Under the guise of imposing bail conditions, no onerous condition should be imposed. Conditions which are inherently onerous or incapable of being complied with by the accused would amount to granting bail with one hand and taking it away with the other.

6. In the present case, while granting statutory bail, the co-ordinate bench of this court directed the petitioner to deposit the aforesaid amount, along with a bail bond of Rs. 10,000/- and two sureties for the like amount, to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Godda. The petitioner submits that he has not been able to surrender before the learned Court as he could not arrange the requisite amount. He is now ready to comply with the said condition, although there has been some delay. However, there is no limitation for approaching the High Court under Section 482 of the Cr.P.C., corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

7. Considering that the petitioner has been provided the privilege of anticipatory bail subject to the condition that he will pay Rs. 35,000/- each to three persons namely Sanjay Kumar Dubey, Rajesh Sah and Arun Singh and further the bank draft of Rs. 23,000/- issued in the name of one Jeevan Bhagat and it has been stated that petitioner has not been able to arrange that amount and now he has been able to arrange the aforementioned amount and he will deposit the same before the learned court within one week and in that view of the matter, further two weeks' time from today is extended to the petitioner to surrender before the

learned court.

8. The order dated 26.03.2014, passed in A.B.A. No. 5103 of 2013 is modified to the above extent and the rest of the conditions are kept intact.

9. With the above observation, this petition is disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated:-21.08.2026

***Amitesh/-* [A.F.R.]**