

SUPREME COURT OF INDIA

Md.Habibur Rahman

Vs.

State of Bihar

CrI.A.No. 610 of 2011

(Dalveer Bhandari and Deepak Verma,JJ.,)

01.03.2011

ORDER

1. Leave granted.

2. Heard learned counsel for the parties. This Court, by the order dated 10.01.2011 passed the following order :

"Learned counsel appearing for the petitioner submits that the petitioner has deposited the entire amount with interest and an affidavit to that effect shall be filed within two weeks. Learned counsel appearing for the respondent may seek instructions in that regard within two weeks thereafter. List this matter after four weeks."

3. Thereafter, the matter was listed on 14.02.2011. At that time, the Office Report of 11.02.2011 was placed before the Court in which it is mentioned that the appellant has not filed any affidavit regarding depositing the entire amount with interest so far. On 17.02.2011, the appellant filed an affidavit indicating therein that the amount, with interest, has been deposited. On 21.02.2011, when the matter came up before the Court, there was no Office Report indicating that the amount has been deposited with interest and that is why the Special Leave Petition was dismissed on that date.

4. Since the appellant has deposited the entire amount with interest, therefore, we recall the order dated 21.02.2011.

5. We direct that, in the event of arrest, the appellant shall be released on bail on furnishing personal bond for a sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the Arresting Officer.

6. The appeal is disposed of accordingly.