

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49070 of 2015

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Arun Kumar Yadav Son of Sri Harihar Prasad resident of Village - Jagir,
P.S. - Kursakanta, District - Araria, at present Mukhia, Gram Panchayat
Laxmipur, Anchal Kursakanta, District - Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anirban Kundu, Advocate.

For the Opposite Party : Ms. Rita Verma (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-12-2015 Heard both sides.

The petitioner filed this petition for modification of the order dated 26.08.2015, by which the petitioner Arun Kumar Yadav and Onkar Nath Thakur were directed to surrender within four weeks from the date of order and if they produce a bank draft of Rs. 27,09,800/- in the name of the Collector of Araria district, they shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri A.B.D. Dubey, the Judicial Magistrate, 1st Class, Araria in Kursakanta P.S. Case No. 151 of 2014.

It is submitted that Arun Kumar Yadav, the petitioner the then Mukhiya has already deposited Rs. 5,75,000/- of half of

the amount of Rs. 27,09,800/-.

It appears that all the arguments were made that the work has already been completed but, thereafter, the order was passed considering all the facts that the petitioner Arun Kumar Yadav, the then Mukhiya, Onkar Nath Thakur the executing agent took Rs. 27,09,800/-, but did not complete the work of the schemes. The present petitioner who is Mukhiya has filed this petition for modification of the order aforesaid, but the order does not appear to be severable and there is joint liability of Mukhiya as well as the agent of the schemes. Therefore, I do not find any merit in the modification petition.

Accordingly, the modification application is rejected.

(Prabhat Kumar Jha, J.)

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