

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37783 of 2015

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1. Hira Sah Son of Ramdhani Sah Resident of village - Dumari, P.S.
Kudra, District - Kaimur at Bhabhua

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Nityanand Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-09-2015

The present application has been filed for modification of the order dated 19.05.2015 passed in Cr. Misc. No. 21220 of 2015, to the extent that period of deposit undertaken be extended.

The petitioner was granted provisional anticipatory bail in a case registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code. The provisional bail was granted on submission of learned counsel for the petitioner that petitioner would deposit 20% of the alleged due amount of Rs. 96,21,769.92/-.

It is submitted by learned counsel for the petitioner that in similarly situated other cases a time frame for deposit of the alleged 20% of the due amount has been provided. It is further submitted that out of 20% of the alleged due amount the petitioner has already deposited about 14% of the alleged due amount and undertakes to deposit rest of the amount within a period of five months.

Mr. Awadhesh Kumar Singh, learned counsel for the Bihar State Food & Civil Supplies Corporation has no objection with regard to modification of the order and admits that with regard to other similarly situated accused persons the time frame has been given for deposit of 20% of the alleged due amount.

In the circumstances, the order dated 19.05.2015 passed in Cr. Misc. No. 21220 of 2015 is modified to the extent that petitioner shall be released on provisional anticipatory bail for six months, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Kudra P.S. Case No. 65 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner shall be confirmed by learned Court below on deposit of 20% of the alleged due amount which include the amount already deposited.

The above payment will be subject to certificate proceeding, if any but the same will not be treated as an admission of the petitioner against the claim of the informant

It is made clear that no modification

application shall be entertained in future.

Accordingly the modification application is disposed of in connection with Kudra P.S. Case No. 65 of 2015, pending in the Court of learned Chief Judicial Magistrate, Kaimur at Bhabua.

(Dinesh Kumar Singh, J)

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