

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40840 of 2015

Arising out of

Criminal Miscellaneous case No. 21172 of 2015.

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Brahmeshwar Nath Chauhan @ Brahmeshwar Chauhan son of late Ram Darash Chauhan resident of village Nadaon, Police Station Buxar (M), District Buxar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Kamal Nayan Choubey, Sr. Advocate
Mr. Ashok Kumar Garg, Advocate.

For the Opposite Party/s : Mr. Lallan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 23-09-2015

Heard both sides.

The petitioner filed this petition for modification of the order dated 07.07.2015 passed in Cr. Misc. No.21172/2015 by which the petitioner was granted anticipatory bail on the willingness of the petitioner to deposit 20% of the total amount, i.e. Rs, 1,49,88,020/- within four months from the date of the order.

Sri Kamal Nayan Choubey, learned Senior Counsel for the petitioner, submits that in many other cases this Court has granted anticipatory bail without direction to deposit any amount. It is true but thereafter order granting anticipatory bail by another bench was produced before me in which 20% of the total amount was directed to be deposited and, on the aforesaid condition,

anticipatory bail was granted to the petitioner. Similarly in the present case also, the petitioner was directed to be enlarged on bail in the event of his surrender within four weeks and on the condition that the petitioner shall deposit 20% of the aforesaid amount within four months from the date of his release.

Considering the facts aforesaid, I do not find any justification for modifying the order aforesaid. Accordingly, the modification petition is rejected.

(Prabhat Kumar Jha, J)

Dilip/-

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