

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36474 of 2015

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1. Naresh Prasad, Son of Late Bhola Sah Resident of Naya Tola, Kajipur,
Triloki Market, P.O.- Bankipur P.s.- Kadamkuwa District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar

For the Opposite Party/s : Mr. P.N.Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-09-2015 The present modification application has been filed on

behalf of the petitioner for modification of the order dated
02.07.2015 passed in Cr. Misc. No. 17395 of 2015 making a
prayer that the condition for depositing an amount of Rs. 5 lacs,
which shall be subject to final disposal of the case, be modified.

After going through the order dated 02.07.2015 it is
apparent that the said condition was imposed on the submission
made on behalf of the counsel for the petitioner, which is as
follows:-

“It is further submitted that the petitioner is ready to
deposit an amount of Rs.5,00,000/- in the court below,
which shall be subject to final disposal of the case.”

Considering the said submission, the aforesaid
condition was imposed.

The present application for modification has been affidavited by one Gautam Gupta whereby in para 7 of the modification application it has been stated as follows:-

“7. That it is most humbly submitted that the petitioner or his any representative was not at all present in the court premises at the time of hearing of the anticipatory bail application and he had never signified his consent to his counsel to deposit Rs. 5,00,000/- as a condition for grant of anticipatory bail, and further he is not at all in a position to deposit the said amount.”

The Advocate-on-Record, Mr.Dilip Kumar, who was also Advocate-on Record in Cr. Misc. No.17395 of 2015, is present in the Court. He denied the contention made in para 7 of the present modification application and states that such submission was made after taking consent of the petitioner to deposit Rs. 5,00,000/- in the court below.

Considering the aforesaid facts, this Court feels that there is no need for interference in the order dated 02.07.2015 passed in Cr. Misc. No. 17395 of 2015.

The application is dismissed.

(Sudhir Singh, J)

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