

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41092 of 2015

Arising out of

Criminal Miscellaneous No. 23510 of 2015.

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Rajiv Kumar, son of Shri Kamla Kant Pathak, resident of Mohalla Malviya Nagar, Dhobighat Buxar, Police Station Buxar Town, District Buxar, Bihar Proprietor, M/s Nav Durga Modern Rice Mill, Ahirauli, Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ashok Kumar Garg, Advocate.

For the Opposite Party/s : Mr. B.N. Pandey, 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 16.07.2015 passed in Cr. Misc. No. 23510/2015 by which the petitioner was granted anticipatory bail on the willingness of the petitioner to deposit 20% of the total amount, i.e. Rs, 1,25,41,688/- within eight months from the date of the order.

Sri Kamal Nayan Choubey, learned Senior Counsel for the petitioner, submits that in the anticipatory bail petition, there should be no condition for depositing any amount and recovery of the dues cannot be made a condition precedent. From the order granting anticipatory bail, it appears that the petitioner was willing to deposit 20% of the amount within eight months

from the date of the order and, accordingly, the same was incorporated in the aforesaid order in public interest as the petitioner is alleged to have misappropriated and committed criminal breach of trust of Rs. 1,25,41,688/-.

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)

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