

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47953 of 2015

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1. Birendra Prasad Son of Late Sharda Prasad, Resident of Village - Gamhariya, P.S. - Darpa, District - East Champaran, Proprietor of M/S Maa Durga Rice Mills, Gamhariya Kala, Darjee, East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, B.S.F.C., Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshul & Mr. Archit Rajpal, Adv.
For the State : Mr. Umesh Lal Verma (App)
For the B.S.F.C : Mr. Shailendra Kumar Singh.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 10-02-2016 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel appearing on behalf of B.S.F.C.

By way of the present modification application, the petitioner seeks modification in order dated 13.08.2015, passed in Criminal Miscellaneous No. 32326 of 2015, whereby a condition precedent to grant of anticipatory bail had been imposed that the petitioner shall deposit 20% of the amount of Rs. 70,68,798.43/-, within six months. The present modification application seeks to modify the last clause of the order i.e. the petitioner may be exempted from paying aforementioned 20% of the amount of Rs. 70,68,798.43/-, as properties which are more than the aforementioned amount has already been pledged with the State

Food Corporation. Learned counsel for the petitioner has brought on record deed of pledge dated 07.03.2013. A supplementary affidavit has been filed today indicating that the actual valuation of the property is Rs. 87,51,000/-. Learned Counsel for the petitioner, thus, prays that condition imposed earlier be now withdrawn as sufficient sureties are already available with the State Food Corporation.

Considering the fact that in other similarly situated cases, this Court has been pleased to pass such orders whereby the petitioners have been directed to surrender in the Court below without any conditions subject to the satisfaction being imposed in the aforementioned orders and, accordingly, the direction contained in order dated 13.08.2015 with regard to payment of 20% of the amount stands modified and the petitioner is not required to pay same as a pre condition for grant of anticipatory bail.

The modification application, thus, stands disposed of .

(Anjana Mishra, J)

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