

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58892 of 2018

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1. Prithavi Narayan Singh S/o Kulbansh Singh, R/o Vill.- Morikap, P.S.- Sheosagar (Baddi O.P.), District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Uday Pratap Singh, District Manager, Bihar State Food Corporation Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 26-09-2018 Heard the parties.

This modification application has been filed for modification in order dated 2.2.2017 passed in Cr .Misc. No.609 of 2017 by which the petitioner was directed to deposit an amount of Rs.2,96,000/- as first installment on or before 3rd March, 2017 in the court below itself and on such deposit learned court below will enlarge the petitioner on provisional bail with condition that he will go on to deposit the remaining amount of Rs.45,00,000/- in nine equal installments of Rs.5,00,000/- each on or before 15th of each month starting from April, 2017 and on failure to deposit any of the installment, his bail bond shall be cancelled and when full amount is deposited, the learned court below will confirm the bail of the petitioner.



The above amount so deposited shall be released in favour of B.S.F.C., subject to result of the case.

It further appears that thereafter another modification application has been filed, which has been allowed, vide order dated 23.8.2017 passed in Cr. Misc. no.36885 of 2017 and order is modified to the extent that the petitioner, if so desired, with permission of B.S.F.C may sell the property already pledged and deposit the amount. However, again this application for modification has been filed for grant of provisional bail to the petitioner so that he can make liasoning with the B.S.F.C for sale of the Rice Mill.

Further submission of the learned counsel for the petitioner is that the Hon'ble Supreme Court has directed to invoke bank guarantee to the tune of the agreement or the B.S.F. may realize the same by putting the auction the unencumbered immovable property pledge by the millers with it after due process of law, vide order annexed as Annexure 6 of the petition of the Hon'ble Apex Court in Criminal Appeal No.998 of 2018 (Special Leave Petition (CRL.) No.9196 of 2017.

However, the learned counsel for the B.S.F.C. has opposed the prayer for bail stating that already there is direction to the petitioner which he has accepted to deposit the amount even by



selling the immovable property already pledged and deposit the amount, as such it can not be permitted to go back to his assurance given tot this Court.

Considering the above facts and circumstances, I am not inclined to modify the earlier order passed in this case.

With the aforesaid modification, this application is dismissed.

(Vinod Kumar Sinha, J)

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