

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43663 of 2014

Arising Out of PS. Case No.-93 Year-2013 Thana- BARH District- Patna

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Surendra Prasad S/o - Late Ram Chandra Saw R/o - Salempur, Gola Road,
Barh, P.S. - Barh, Distt. - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nikhil Poddar S/o Vinod Kumar Poddar, Proprietor Vinod Kumar & Brothers,
200 Jagannaghat Cross Road, South Kokkata.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar singh

For the Opposite Party/s : Mr. S.N SHUKLA (APP)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date : 08-03-2018

Heard learned counsel for the petitioner and the learned APP for
the State.

2. The petitioner seeks modification of the order dated
08.07.2013, passed by 1st Additional Sessions Judge, Patna in B.P.
No.193 of 2013.

3. Learned counsel for the petitioner submits that the petitioner
was granted bail with one of the conditions that he was directed to
deposit Rs.17,75,000/-, which alleged to have been misappropriated
in the concerned Nazarat of the civil court but the said amount has
not been deposited in fixed deposit account otherwise the petitioner
will loose the interest on such huge amount, so seeks modification of
the bail order and for that he moved before the court of learned 1st



Additional Sessions Judge, Patna but by order dated 04.09.2013, the said court sent the petition to the court of learned ACJM, Barh for the needful.

4. Having considered the rival submissions and on perusal of the record, it appears that the petitioner seeks modification of the bail order dated 08.07.2013 passed by learned Additional Sessions Judge-I, Barh in B.P. No.1931/2013 but by order dated 04.09.2013, it was sent to the court of learned ACJM, Barh which ought to have been disposed of by the court of 1st Additional Sessions Judge, Barh, so the quashing application before this Court is not maintainable. The petitioner may file a fresh application before the learned Additional Sessions Judge-I, Barh for modification of the bail order dated 08.07.2013 passed in B.P. No.1931/2013 and the same shall be disposed off with reasoned order in accordance with law.

5. With the aforesaid observation, the quashing application stands disposed of.

(Arun Kumar, J)

S.KUMAR/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.04.2018
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