

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38646 of 2017

In
Criminal Miscellaneous No.33837 of 2015

Arising Out of PS. Case No.- Year- Thana- District- Buxar

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Ashutosh Srivastava @ Ashutosh Kumar Srivastava Son of -Vidya Shankar Prasad, Resident of Village-Pandey Patti, P.O.-Pandeypatti P.S.-Buxar (Muffasil, District-Buxar, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supply Corporation Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhubneshwar Prasad
For the Opposite Party/s : Mr. Sri Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-12-2018 The present application has been filed for modification of order dated 31.08.2015 passed in Cr. Misc. No. 33837 of 2015, whereby the petitioner was granted provisional anticipatory bail for six months in connection with Buxar (Muffasil) P.S. Case No. 142 of 2015 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code, pending in the Court of learned Chief Judicial Magistrate, Buxar on the undertaking of the petitioner to the effect that the petitioner will deposit 20% of the alleged due amount through bank draft in favour of the State Food and Civil Supplies Corporation within five months. The provisional bail of the petitioner was to be confirmed by the learned Court below on



submission to the effect that the 20% of the due amount has been paid through bank draft within five months in favour of the Bihar State Food and Civil Supplies Corporation, Patna.

Since the petitioner did not furnish the bail bond, he could not deposit the undertaken amount and the stipulated period of six months have already lapsed, whereas for the modification of order dated 31.08.2015, the present modification application has been registered on 11.08.2017, this Court is not inclined to interfere. However, let the learned Court below consider the prayer for regular bail of the petitioner without being prejudiced by the order of this Court.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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