

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23145 of 2019

In
CRIMINAL MISCELLANEOUS No.25372 of 2018

Arising Out of PS. Case No.-67 Year-2017 Thana- BEGUSARAI TOWN District- Begusarai

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PRASHANT KUMAR @ GULSHAN KUMAR S/o- Vimal Prasad, R/o- vill.-
Shripur, P.S.- Cheriabariyarpur, Dist.- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhananjay Kumar Singh (A.E) Through the Chairman North Bihar Power Distribution Company Limited. Earlier the Bihar State Electricity Board Was Made Party).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 11-04-2019 By way of present modification application, the petitioner seeks to modify the order dated 29.06.2018 passed in Criminal Miscellaneous No. 25372 of 2018, by which, the petitioner directed to surrender before the court below within a period of six weeks along with demand draft of Rs. 1,17,000/- drawn in favour Bihar State Electricity Board and on payment of the same, the court below was directed to release the petitioner on provisional bail for further two months with condition that he will deposit the rest of the amount in four equal installments in the first week of every month.

It has been submitted by learned counsel for the



petitioner that he has deposited the entire amount of Rs. 3.17 lakhs through Bank Draft in favour of Bihar State Electricity Board but it has been pointed out by the learned counsel appearing on behalf of electricity department in the court below that the demand draft ought to have been drawn in favour of North Bihar Power Distribution Company Limited, Patna and, therefore, learned counsel for the petitioner prayed that the order dated 29.06.2018 passed in Criminal Miscellaneous No. 25372 of 2018 may be modified to the aforesaid extent.

Considering the submission as well as averments made in modification application, order dated 29.06.2018 passed in Criminal Miscellaneous No. 25372 of 2018 is modified to the extent that petitioner is directed to surrender before the court below within a period of two weeks from the date of receipt of the order and on his surrender the court below shall grant him provisional bail for further one month and also return his demand drafts drawn in favour of Bihar State Electricity Board on condition that petitioner shall pay the complete amount of Rs. 3.17 lakhs through a demand draft duly drawn in favour of North Bihar Power Distribution Company Limited, Patna, within the period of one month, once the demand draft is deposited, the court below shall confirm the



provisional bail of the petitioner, otherwise, he is free to pass any order as he deems fit and proper.

Accordingly, this modification application is allowed.

Let a copy of this order be communicated to the concerned court below forthwith.

(Vinod Kumar Sinha, J)

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