

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20 of 2019

In
CRIMINAL MISCELLANEOUS No.43679 of 2018

Arising Out of PS. Case No.- Year-0 Thana- District-

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1. Ajay Kumar Sah Son of Sri Ramprit Sah Rdsident of Village- Gidhws, P.s. Sadaniya, District- Madhubani.
 2. Ramdeo Yadav Son of Late Agnan Yadav Resident of Village- Mirzapur, P.S. Ladaniya District Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the BSFC : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

10 01-05-2019 Heard the learned counsel for the petitioner, the
BSFC and the State.

The present petition has been filed for modification of order dated 02.08.2018 passed in Cr. Misc. No. 43679/2018, by which petitioner was granted anticipatory bail in connection with Ladaniya P.S. Case No. 86/2016 to the satisfaction of learned Addl. Chief Judicial Magistrate IVth, Madhubani.

It is mentioned in para 5 of bail petition that there is no dues against these petitioners, which is apparent from Annexure-3. In course of investigation it has also been found that there was no dues against these petitioners.



Counter Affidavit has been filed on behalf of BSFC enclosing therewith letter of District Magistrate, Madhubani vide no. 412 dated 02.04.2019, in which it is stated that petitioner was directed to submit Bank Guarantee equivalent to price of 545.30 quintals of CMR and equivalent to price of 330.98 quintals of CMR, which is alleged to be due against these petitioners, vide order dated 02.08.2018 passed in Cr. Misc. No. 43679/2018.

Learned counsel for the petitioner has submitted that he will deposit the aforesaid amount under protest because in case diary it has come during investigation that they have already deposited the aforesaid amount.

Learned counsel for BSFC has submitted that from Annexures- A and B, it appears that aforesaid amount is due against the petitioners.

In such circumstances, this Court does not find substantive reason to modify the order dated 02.08.2019 passed in Cr. Misc. No. 43679/2018.

The petitioner is directed to furnish Bank Guarantee as directed by this Court vide order dated 02.08.2018 passed in Cr. Misc. No. 43679/2018 within a period of three months from the date of receipt/production of this order. The



submission of Bank Guarantee by the petitioners will be subject to final decision of the case.

It is made clear that no further extension will be given to the petitioner. In the event petitioner does not furnish Bank Guarantee within the time as directed by this Court, the Court below will be at liberty to pass appropriate order in accordance with law.

This Modification Petition is accordingly disposed off.

(Sanjay Priya, J)

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