

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41463 of 2019

In
CRIMINAL MISCELLANEOUS No.637 of 2019

Arising Out of PS. Case No.-458 Year-2017 Thana- BANKA District- Banka

Umesh Yadav, Son of Sudhin Yadav, Resident of Village-Kokaritari, P.S. and District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. B.S.F.C. through its Chairman B.S.F.C. Patna Bihar Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Pandey, Advocate
For the B.S.F.C	:	Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 11-07-2019 Earlier petitioner was granted conditional anticipatory by this Court, vide order dated 24.01.2019 passed in Criminal Misc. No. 637 of 2019 on the ground that;

“Having heard both sides and in the facts and circumstances, this application is disposed of with direction to the petitioner to deposit Bank Guarantee of rest of the amount as calculated by the B.S.F.C. and Co-operative Department within three months and till then no coercive action shall be taken against the petitioner and total amount is deposited and verified by the learned court below, the petitioner shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka, in connection with Banka P.S. Case No. 458 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further condition that one of the



bailors of the petitioners shall be a local person having sufficient immovable properties within the jurisdiction of the court concerned.

With the above observation, this application is disposed of.”

Now this modification application has been filed for modification of the above order, in view of the fact that the petitioner could not arrange the bank guarantee of the rest of the amount that comes to Rs.13 lakhs. In the meantime, he has deposited Rs.1,00,000/- and as such, prayed for further time for depositing the cash in place of bank guarantee.

Heard learned APP as well as learned counsel appearing on behalf of B.S.F.C. also.

Having heard both sides, in view of the facts and circumstances, as stated above, and considering the difficulty of the petitioner, further four months time is granted to the petitioner either to deposit bank guarantee or the cash amount, which is suitable to him and once the same is deposited, he will be released on bail to the satisfaction of the court concerned itself.

Till that no coercive step shall be taken against the petitioner.

Further it is made clear that no further indulgence will be given to the petitioner on any ground and after four months



of the period, if the petitioner fails to deposit the amount, the protection granted to the petitioner shall automatically be recalled.

With the above observations, this application is disposed of.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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