

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54131 of 2019

In
CRIMINAL MISCELLANEOUS No.23410 of 2019

Arising Out of PS. Case No.-170 Year-2018 Thana- BHAWANIPUR District- Purnia

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KUNDAN KUMAR S/o Late Prabhakar Mandal Resident of Village- Sripur
Milik, P.S.- Bhawanipur, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Bihar State Food Corporation through its Managing Director,
Bihar, Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha
For the Opposite Party/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 28-08-2019 This modification application has been filed for

modification of order dated 28.06.2019 passed in Cr. Misc. No.
23410 of 2019, by which, the prayer of the petitioner was
disposed of with direction to him to surrender in the court below
by 31.07.2019, showing the payment already made by him and
he will pay remaining amount by bank draft payable to the
Purnea District Central Cooperative Bank in two equal
installments, out of which, first installment was directed to be
paid on the date of surrender, then he was directed to be released
on provisional bail.

Submission of learned counsel for the petitioner is
that the petitioner could manage the fund only on 30.07.2019



and then in place of submitting the bank draft payable to Purnea District Central Cooperative Bank, by mistake he deposited the first installment by cash of Rs. 1,65,000/- on 30.07.2019 and 31.07.2019 in Purnea District Central Cooperative Bank, Bhawanipur Branch in the account of Sripur PACS and then on 31.07.2019, when he met his lawyer to surrender in the court below, who advised that deposit of cash in place of bank draft as per direction of the High Court, will not be accepted by the court below and as such, the petitioner could not surrender in the court below as per the direction of this Court and thus prayed for modification of order dated 28.06.2019 passed in Cr. Misc. No. 23410 of 2019 and for extension of time to surrender in the court below.

Heard learned APP also.

Having heard both sides, in view of the above facts order dated 28.06.2019 passed in Cr. Misc. No. 23410 of 2019 is modified only to the extent that the Branch Manager, District Central Cooperative Bank, Bhawanipur Branch is directed to certify the aforesaid statement of the petitioner as to whether the cash has been deposited by him and the same has been entered into paper ledger of not and sent a report to the concerned court below and if it is so, then it will be accepted as valid compliance



and rest of the amount will be deposited by the petitioner by way of bank draft. Further two weeks' time from the date of receipt/production of a copy of this order is allowed to the petitioner to surrender in the court below.

Accordingly, this modification application allowed.

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

(Vinod Kumar Sinha, J)

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