

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37576 of 2015

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1. Daya Shankar Singh S/o Late Maharaj Narayan Singh resident of
Village - Bhundi Tekari, P.S. - Mohania, District - Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation
Ltd., Kaimur at Bhabhua.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh
For the Opposite Party/s : Mr. A.M.P.Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-09-2015

The present application has been filed for modification of the order dated 22.05.2015 passed in Cr. Misc. No. 22546 of 2015, to the extent that petitioner be permitted to deposit 20% of the alleged due amount within a period of five months.

The petitioner was granted anticipatory bail in a case registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code. The bail was granted on submission of learned counsel for the petitioner that petitioner would deposit 20% of the alleged due amount of Rs. 73,21,325.25/-.

It appears that by inadvertence the period within which the due amount was to be deposited was not incorporated in the order.

It is submitted by learned counsel for the

petitioner that out of 20% of the alleged due amount the petitioner has already deposited about 10% of the alleged due amount and undertakes to deposit further 10% within a period of five months.

Mr. Shailendra Kumar Singh, learned counsel for the Bihar State Food & Civil Supplies Corporation has no objection with regard to modification of the order.

In the circumstances, the order dated 22.05.2015 passed in Cr. Misc. No. 22546 of 2015 is modified to the extent that petitioner is permitted to submit draft of 20% of the alleged due amount in favour of BSFC Ltd, Patna which includes the amount already deposited within a period of five months.

Accordingly the petitioner, above named is granted provisional anticipatory bail for six months, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 152 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail will be confirmed by learned Court below on submission of draft of 20% of the alleged due amount including the amount already deposited in

favour of The Bihar State Food & Civil Supplies Corporation Limited, Patna within five months.

The above payment will not be treated as admission of the petitioner against the claim of the informant but the same will be subject to certificate or recovery proceeding, if any.

It is made clear that no modification application shall be entertained in future.

Accordingly the modification application is disposed of in connection with Mohania P.S. Case No. 152 of 2015, pending in the Court of learned Chief Judicial Magistrate, Kaimur at Bhabua.

(Dinesh Kumar Singh, J)

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