

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42914 of 2015

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Nilesh Kumar Son of Sri Lal Babu Singh,

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate

For the Opposite Party/s : Mr. Binod Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-09-2015

Heard.

The present application has been filed for modification of the order dated 12.03.2015 passed in Criminal Miscellaneous No.9249 of 2015 for extending the period of provisional bail in connection with Sahar P.S. Case No.7 of 2015, pending before the learned J.M. 1st Class, Bhojpur.

The prosecution case is that under an agreement the petitioner being rice miller was supplied 5281.60 quintals of paddy by the Bhojpur unit of Bihar State Food and Civil Supplies Corporation Ltd. during the procurement years 2012-13 in lieu thereof he was supposed to supply 3538.67.200 quintals of custom milled rice. The petitioner supplied only 540 quintals of custom milled rice but failed to supply 2998 quintals of processed rice worth ₹74,32,388.48/-.

The petitioner was granted provisional bail for six months in case registered for the offences punishable under sections 406 and 420 of the Indian Penal Code. The provisional bail was to be confirmed by the learned court below if the issue is reconciled between the parties.

It is submitted by learned counsel for the petitioner that the issue could not be reconciled and the petitioner is ready to deposit 20% of the alleged due amount of ₹74,32,388.48/- within a period of six months, in six equal monthly installments through bank draft in favour of the Bihar State Food and Civil Supplies Corporation Ltd., Patna. Though statement to that effect has not been made in the petition.

It is submitted by Mr. Shailesh Kumar Singh, learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd. that the Corporation has no objection in extending the provisional bail of the petitioner and depositing the 20% of the alleged due amount within further six months.

Considering the present stand of the parties, let order dated 12.03.2015 be modified to the extent only that the provisional bail of the petitioner is extended for further seven months.

The provisional bail of the petitioner will be

confirmed by the learned court below on submission of 20% of the alleged due amount of ₹74,32,388.48/- in six equal monthly installments, through bank draft.

The above deposit will be subject to any proceeding pending or being initiated for recovery of due amount but the same will not be treated as an admission of the petitioner against the claim of the informant.

The order dated 12.03.2015 stands modified to the extent as indicated above.

Accordingly, the modification application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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