

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44123 of 2015

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Muni Lal Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Pradip Nr. 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 20.05.2015 passed in Criminal Miscellaneous No.21298 of 2015 for extending the period of provisional bail in connection with Kudra P.S. Case No.67 of 2015, pending before the Learned CJM, Bhabhua..

The prosecution case is that under an agreement the petitioner being rice miller was supplied 15000 quintals of paddy by the Bhabhua unit of Bihar State Food and Civil Supplies Corporation Ltd. during the procurement years 2013-14 in lieu thereof he was supposed to supply 10050 quintals of custom milled rice. The petitioner supplied only 270 quintals of custom milled rice but failed to supply 9780 quintals of processed rice worth ₹2,42,40,316.80/-.

The petitioner was granted provisional bail for four months in connection with a case registered for the offences punishable under sections 409 and 420 of the Indian Penal Code, on the

undertaking that the petitioner will deposit 20% of the alleged due amount within a period of four months. The provisional bail was to be confirmed by the learned court below on submission of proof with regard to deposit of 20% of the alleged due amount.

It is submitted by learned counsel for the petitioner that since the due amount was more than two crores, hence, he could not deposit the 20% of the same. It is further submitted that in other cases the time frame for deposit of 20% of the alleged due amount, where it exceeds one crores, has been usually fixed for more than one year and the petitioner has already deposited about Rs.7,50,000/-.

Learned counsel for the petitioner further submits that the petitioner undertakes to deposit rest 20% of the alleged due amount of ₹2,42,40,316.80/- within a period of eight months from today, in four bi-monthly equal 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 rest 20% of the alleged due amount of ₹2,42,40,316.80/- within further eight months.

Considering the present stand of the parties, let order dated 20.05.2015 be modified to the extent only that the provisional bail of the petitioner is extended for further nine months.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of rest 20% of the alleged due amount of ₹2,42,40,316.80/- in four bi-monthly equal installments, through bank draft in favour of the Bihar State Food and Civil Supplies Corporation Ltd., Patna.

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 20.05.2015 stands modified to the extent as indicated above.

Accordingly, the modification application is disposed of.

(Dinesh Kumar Singh, J)

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