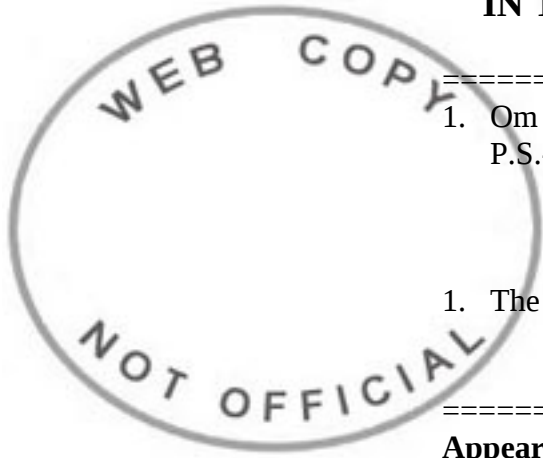




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4932 of 2014

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1. Om Prakash Singh Son Of Mahendra Singh Resident Of Village - Kara,
P.S.- Obra, District- Aurangabad, Owner Of Om Rice And Floor Mill.

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. Anish Chandra (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

16 02-09-2015

The present application has been filed for modification of the order dated 13.05.2013 passed in Cr. Misc. No. 16284 of 2013, wherein the petitioner was granted provisional anticipatory bail for six months on the undertaking that petitioner will supply the balance amount of rice to The Bihar State Food & Civil Supplies Corporation. The bail bonds of the petitioner was to be confirmed by learned Court below within six months on filing certificate through affidavit to the effect that petitioner has supplied the balance amount of rice.

The prosecution case is that Aurangabad unit of The Bihar State Food & Civil Supplies Corporation supplied 25971.39 quintals of paddy to the petitioner being rice miller under an agreement. In lieu thereof the petitioner was supposed to supply 17400.80 quintals of custom milled rice but petitioner supplied only 3240 quintals of processed rice

and failed to supply 14160.80 quintals of processed rice worth Rs. 1,23,34,398/-.

It is submitted by learned senior counsel for the petitioner that rest of the processed rice was not accepted by the authorities of The Bihar State Food & Civil Supplies Corporation. It is further submitted that petitioner has already deposited Rs. 56 Lacs during certificate proceeding which is around 40% of the alleged due amount. Moreover other similarly situated accused persons have been granted anticipatory bail on readiness to deposit 20% of the alleged due amount.

This fact of deposit of about 40% of the alleged due amount has not been controverted by Mr. Shailendra Kumar Sinha, learned counsel appearing on behalf of The Bihar State Food & Civil Supplies Corporation.

It is submitted by learned senior counsel for the petitioner that provisional bail of the petitioner is still subsisting as bail bonds of the petitioner has still not been cancelled.

In the circumstances, the order dated 13.05.2013 passed in Cr. Misc. No. 16284 of 2013 is modified to the extent that the provisional anticipatory bail granted to the petitioner is hereby confirmed.

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

Accordingly the modification application is disposed of in connection with Obra P.S. Case No. 01 of 2013, pending in the Court of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad.

(Dinesh Kumar Singh, J)

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