

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37793 of 2015

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Sanjeev Kumar Son of Rajendra Singh resident of village - Bajarkona, P.S.
Kudra, District - Kaimur at Bhabua

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies Corporation, through its
District, Manager

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Nitya Nand Tiwary (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 02-09-2015

The present application has been filed for modification of order dated 22.05.2015 passed in Cr. Misc. No. 22855 of 2015 for allowing the petitioner to deposit 20% of the undertaken amount of the alleged due amount of Rs. 37,04,060.45/- through bank draft in favour of The State Food and Civil Supplies Corporation within a period of five months.

It is submitted by learned counsel for the petitioner that by inadvertence the period of deposit has not been incorporated in the order. It is further submitted that the part of the 20% has already been deposited.

It is submitted by Mr. Awadhesh Kumar, learned counsel for the Bihar State Food Corporation that the period for deposit may be provided.

In the circumstances, the order dated 22.05.2015 passed in Cr. Misc. No. 22855 of 2015 is modified to the extent that the petitioner will deposit the 20% of the alleged due amount within a period of four months which the amount already deposited, in the meantime, through bank draft in favour of The Bihar State Food and Civil Supplies Corporation Limited, Patna. In the meantime, let the petitioner be released on bail provisionally for five months.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of prove with regard to the payment of 20% of the alleged due amount.

The aforesaid deposit will not be treated to be an admission of the petitioner with regard to the claim of the informant but the same will be subject to the certificate proceeding or any legal proceeding for recovery of the alleged due amount.

It is made clear that no further modification application will be entertained.

(Dinesh Kumar Singh, J)

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