

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11196 of 2016

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1. Narad Yadav, Proprietor M/s Jai Maa Durga Rice Mill, son of Bira Yadav resident of Village- Ahirauliya, P.S. Ramgarhwa, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi

For the Opposite Party/s : Mr. Umeshanand Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 16-03-2016

Heard learned counsel for the parties.

The present application has been filed for modification of the order dated 14.7.2015 passed in Cr. Misc. No. 25758 of 2015 to the extent of extending the period of deposit of 20% of the alleged due amount and the period of surrender.

The petitioner was granted provisional anticipatory bail for four months in a case under sections 409,420 and 120B IPC. The accusation was that the petitioner failed to supply 7450 quintals of processed rice worth Rs.1,61,33,422/-. The petitioner undertook to deposit rupees seven lakhs within a period of three months in favour of the Bihar State Food and Civil Supplies Corporation, Patna as out of the 20% of alleged due amount the petitioner claimed to have deposited Rs.25,50000/- earlier.



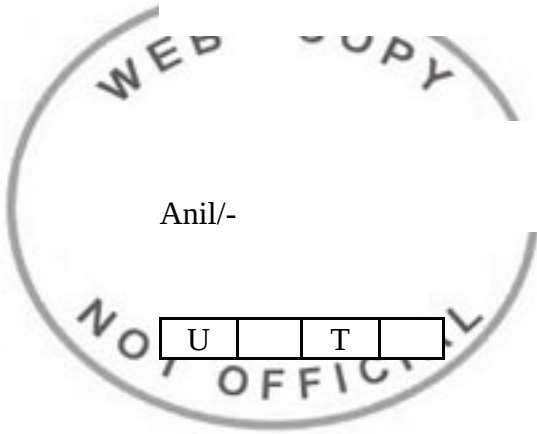
The petitioner was granted three months time to deposit the aforesaid amount and the provisional bail was granted for four months. The provisional bail was to be confirmed on deposit of the draft of 20% of alleged due amount within three months. Though the said amount has not been deposited within three months but it is submitted that the amount has now been deposited. The said submission of learned counsel for the petitioner is not being controverted by the learned counsel for the BSFC. More over, it is further submitted that till date the bail bonds of the petitioner have not been cancelled.

In the circumstances, the order dated 14.7.2015 passed in Cr. Misc. No. 25758 of 2015 is modified to the extent of extending the period of surrender by two weeks. The order dated 14.7.2015 passed in Cr. Misc. No. 25758 of 2015 is further modified to the extent that in the second page of the order it was inadvertently recorded that petitioner has deposited Rs.25,500 instead of Rs.25,50,000/-.

The learned court below will confirm the provisional bail of the petitioner on the filing of proof of deposit of Rs.7,00000/- through draft before the Bihar State Food and Civil Supplies Corporation, Patna.

Accordingly, the modification application is

disposed of in connection with Ramgarhwa P.S. Case No. 34 of 2015 pending in the court of the learned CJM, East Champaran at Motihari.



(Dinesh Kumar Singh, J)