

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28174 of 2016

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1. Lalu Sah son of Late Chaturi Sah, Proprietor of M/s Shiv Shish Mini Polisher Mill, Bhabua Resident of Town Bhabua P.O.+ P.S. - Bhahua, District- Bhabua (Kaimur)

.... Petitioner/s

Versus

1. The State of Bihar
2. District Manager, Bihar State Food & Civil Supplies Corporation
Kaimur, Bhabua

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Verma

For the Opposite Party/s : Mr. Smt Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 27-07-2016

The present application has been filed for modification of the order dated 05.08.2015 passed in Cr. Misc. No. 31757 of 2015 for extending the period of provisional bail and direction to the learned Court below to confirm the provisional anticipatory bail of the petitioner in view of the compliance of the direction of this Court.

The prosecution case is that Kaimur unit of The Bihar State Food & Civil Supplies Corporation supplied 1869 quintals of paddy to the petitioner being rice miller during the procurement year 2012-13. In lieu thereof the petitioner was supposed to supply 1252.23 quintals of custom milled rice but petitioner supplied only 539 quintals of processed rice and failed to supply 713.23 quintals of processed rice worth Rs. 15,44,542.36/-.



On the undertaking of the petitioner that petitioner would deposit 20% of the alleged due amount of Rs. 15,44,542.36/- in five monthly equal installments through bank draft in favour of the Bihar State Food & Civil Supplies Corporation, Patna, the petitioner was granted provisional anticipatory bail for a period of six months. The provisional bail of the petitioner was to be confirmed by learned Court below on submission of draft of 20% of the alleged due amount of Rs. 15,44,542.36/- in five monthly equal installments in favour of the Bihar State Food & Civil Supplies Corporation, Patna but the petitioner failed to deposit the aforesaid amount within a period of five months.

It is submitted by learned counsel for the petitioner that the 20% amount could not be deposited in five months but now the petitioner has deposited 20% of the alleged due amount of Rs. 15,44,542.36/- through bank draft in favour of the Bihar State Food & Civil Supplies Corporation, Patna.

Mr. Aditya Prakash Sahai, learned counsel for the Bihar State Food & Civil Supplies Corporation does not controvert the contention of the learned counsel for the petitioner.

It is further submitted by learned counsel for the petitioner that bail bond of the petitioner has still not been cancelled and still the petitioner is enjoying the privilege of provisional bail.

In the circumstance, the provisional bail of the petitioner is extended up to 30th of August, 2016.

Let learned Court below pass appropriate order for the confirmation of the provisional bail of the petitioner in pursuance to the order of this Court on submission of adequate proof with regard to submission of draft of 20% of the alleged due amount of Rs. 15,44,542.36/- by the petitioner through draft in favour of the Bihar State Food & Civil Supplies Corporation, Patna.

The order dated 05.08.2015 stands modified to the extent as indicated above.

Accordingly the modification is disposed of in connection with Bhabua P.S. Case No. 183 of 2015, pending in the Court of learned Chief Judicial Magistrate, Kaimur at Bhabua.

(Dinesh Kumar Singh, J)

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