

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44272 of 2016

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Rakesh Kumar @ Rakesh Thakur

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Sri Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 26-10-2016

Heard learned counsel for the petitioner, the Bihar

State Food and Civil Supplies Corporation Ltd. and the State.

The present application has been filed for modification of the order dated 03.09.2015 passed in Criminal Miscellaneous No.35043/2015 whereby the petitioner was granted provisional anticipatory bail.

The prosecution case is that under an agreement the petitioner being rice miller was supplied 50108.20 quintals of paddy by the Sheohar unit of Bihar State Food and Civil Supplies Corporation Ltd. during the procurement years 2012-13 in lieu thereof he was supposed to supply 33572.05 quintals of custom milled rice. The petitioner supplied only 9450 quintals of custom milled rice but failed to supply 24122.50 quintals of processed rice worth Rs.5,22,38,708.11/-. Since the petitioner had already deposited Rs.5,00,000/- (five lacs), hence, the due

amount ultimately calculated to the tune of Rs.5,17,38,721/-.

The petitioner was granted provisional bail for thirteen months in connection with Sheohar P.S. Case No.89/2015, registered for the offences punishable under sections 406 and 409 of the Indian Penal Code, pending before learned CJM, Sheohar on readiness to deposit 20% of the alleged due amount of Rs.5,22,38,708.11/- within a period of 12 months in six bi-monthly equal installments through bank draft in favour of the Bihar State Food and Civil Supplies Corporation Ltd. The provisional bail was to be confirmed by the learned court below on deposit of 20% of due amount.

It is submitted by learned counsel for the petitioner that 20% of the alleged due amount could not be deposited in stipulated time, but now it has been deposited.

It is submitted by Mr. Shailesh Kumar Singh, learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd. that as per instruction received from the District Manager, State Food Corporation, Sheohar, 20% of the alleged due amount has been deposited.

Learned counsel for the petitioner further submits that bail bond of the petitioner has not been cancelled till date, though statement to that effect has not been made in the petition.

Under the circumstances, let order dated 03.09.2015 be modified to the extent only that the provisional bail of the petitioner is extended till 21st November, 2016 in the meantime the provisional bail of the petitioner will be confirmed by the learned court below on submission of substantial proof with regard to deposit of 20% of the alleged due amount.

Accordingly, the modification application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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