

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48902 of 2015

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1. Kamlesh Singh S/o Vikrama Singh @ Vinay Singh, r/o Village Jaipur,
P.S. - Itarhi, District - Buxar, Bihar Proprietor M/s Chandan Mini Rice
Mill, Industrial Area, Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh

For the Opposite Party/s : Mr. Arun Kumar Singh No.-5 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-08-2016

The present application has been filed for
modification of the order dated 25.06.2015 passed in Cr. Misc.
No. 23311 of 2015 for extending the period of deposit of 20% of
the alleged due amount.

The prosecution case is that Buxar unit of
The Bihar State Food & Civil Supplies Corporation supplied
8000 quintals of paddy to the petitioner being rice miller during
the procurement year 2012-13. In lieu thereof the petitioner
was supposed to supply 5360 quintals of custom milled rice
but petitioner supplied only 2420.04 quintals of processed rice
and failed to supply 2940 quintals of processed rice worth Rs.
55,95,134/-.

The petitioner was granted provisional
anticipatory bail for a period of five months on readiness of the
petitioner to deposit 20% of the alleged due amount in four

months through bank draft in favour of the Bihar State Food & Civil Supplies Corporation, Patna. The provisional bail of the petitioner was to be confirmed by learned Court below on deposit of 20% of the alleged due amount within a period of four months through bank draft in favour of the Bihar State Food & Civil Supplies Corporation, Patna.

It is submitted by learned counsel for the petitioner that though the petitioner could not deposit 20% of the alleged due amount within a period of four months but now the petitioner has already deposited 20% of the alleged due amount. A certificate to that effect has been issued by the District Manager, Bihar State Food & Civil Supplies Corporation. It is further submitted that bail bonds of the petitioner has not been cancelled.

Mr. Shailendra Kumar Singh, learned counsel for the Bihar State Food & Civil Supplies Corporation does not controvert this fact that certificate of deposit of 20% of the alleged due amount has already been issued by the competent authority.

In the circumstances, the order dated 25.06.2015 passed in Cr. Misc. No. 23311 of 2015 is modified to the extent that the period of provisional bail of the petitioner is extended till 30th of August, 2016. Let learned Court below pass appropriate order for the confirmation of the provisional bail of the petitioner on filing proof on affidavit by the petitioner

that petitioner has deposited 20% of the alleged due amount before the Bihar State Food & Civil Supplies Corporation, Patna.

Accordingly the modification is disposed of in connection with Buxar(Industrial Area) P.S. Case No. 90 of 2015, pending in the Court of learned Chief Judicial Magistrate, Buxar.

(Dinesh Kumar Singh, J)

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