

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32672 of 2016

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Roshan Jaiswal Son of Satendra Prasad Jaiswal, Proprietor, M/s Roshan Rice Mill, resident of village Ram Nagar, P.O. & P.S. Ram Nagar, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, West Champaran, Bettiah

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

For BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 17-08-2016

The present application has been filed for modification of order dated 04.09.2015 passed in Cr. Misc. No. 35894 of 2015 to the extent of extending the period of provisional bail and the period of deposit of undertaken amount.

The petitioner was granted provisional anticipatory bail for a period of six months in connection with Ramnagar P.S. Case No. 68 of 2015 registered under Section 409 of the Indian Penal Code.

The petitioner being rice miller was supplied 10372.70000 quintals of paddy by West Champaran Unit of Bihar State Food and Civil Supplies Corporation Limited during procurement years 2012-13 and in lieu thereof the

petitioner was supposed to supply 6949.70900 quintals of custom milled rice but the petitioner supplied only 1347 quintals of custom milled rice and failed to supply 5602.31300 quintals of custom milled rice worth Rs.1,21,32,166.60/-. On the readiness of the petitioner to deposit 20% of the alleged due amount within a period of five months in five equal installments through bank draft in favour of Bihar State Food and Civil Supplies Corporation.

It is submitted by learned counsel for the petitioner that the alleged due amount was not deposited in five months but now the same has been deposited.

Mr. Shailendra Kumar Singh, learned counsel for the BSFC does not dispute the fact that 20% of the due amount has been accepted by the District Manager, West Champaran Unit of Bihar State Food and Civil Supplied Corporation Limited.

It is further submitted on behalf of the petitioner that in spite of the fact that this fact was brought to the notice of the learned SDJM, Bagaha that the modification application is pending the bail bond of the petitioner has been cancelled by learned SDJM, Bagaha vide order dated 18.07.2016. Hence, this Court is not inclined to consider the

modification application but since the petitioner has already deposited 20% of the alleged due amount, it is a case for consideration of prayer for regular bail, if the petitioner surrenders before the learned court below within a period of four weeks from today in connection with Ramnagar P.S. Case No. 68 of 2015 pending in the court of learned SDJM, Bagaha, West Champaran.

It is expected from the learned court below to dispose of the application for regular bail preferably on the same day.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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