

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36138 of 2016

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1. Avishek Kumar S/o Shri Ravishankar Prasad Singh r/o Village-
Baronkala, P.S.-Akhori Gola, District- Rohtas at Sasaram Proprietor of M/S
Hanumanji Modern Mini Rice Mill, Baron Kala Mill Code No. 49

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, State Food & Civil Supplies Corporaion, Rohtas at
Sasaram

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy

For the Opposite Party/s : Mr. Md. Sufiyan

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

4 14-09-2016 The present application has been filed for
modification of order dated 13.10.2015 passed in Cr. Misc. No.
36686 of 2015 for extending the period of surrender and the
period of deposit of 20% of the undertaking amount.

The petitioner was granted provisional anticipatory
bail for seven months in a case registered for the offences
punishable under Sections 406, 409 and 420 of the Indian
Penal Code.

The prosecution case is that under an agreement
the petitioner being rice miller was supplied 4900 quintals of
paddy by the Rohtas Unit of Bihar State Food and Civil
Supplies Corporation Limited during the procurement years
2012-13 in lieu thereof he was supposed to supply 3112
quintals of custom milled rice. The petitioner supplied only 810

quintals of custom milled rice but failed to supply 2475 quintals of processed rice worth Rs. 53,55,429.88/-.

On the submission of the learned counsel for the petitioner that petitioner is ready to submit bank draft of 20% of alleged due amount of Rs. 53,55,429.88/- within a period of six months in six equal installments, the petitioner was granted provisional anticipatory bail for seven months on 13.10.2015 with condition that provisional bail of the petitioner will be confirmed by the learned court below on submission of bank draft of 20% of alleged due amount of Rs. 53,55,429.88/- in six equal installments, within a period of six months.

It is submitted by the learned counsel for the petitioner that though the 20% of the alleged due amount of Rs. 53,55,429.88/- has not been deposited in six months, but the same has now been deposited.

Mr. Prabhat Kumar Singh, learned counsel for the Bihar State Food and Civil Supplies Corporation Limited does not controvert the contention of the learned counsel for the petitioner that now the 20% of the alleged due amount has been deposited. It is further submitted that bail bonds of the petitioner has not been cancelled till date. Statement to that effect has not been made on the petition.

In the circumstances, the provisional anticipatory bail of the petitioner is extended till 6th of October, 2016.

The learned court below will be at liberty to pass

appropriate order on filing of proof with regard to deposit of 20% of the alleged due amount in Cr. Misc. No. 36686 of 2015.

The order dated 13.10.2015 stands modified to the extent indicated above.

Accordingly, this modification application is disposed of.

(Dinesh Kumar Singh, J)

P.K./-

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