

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1233 of 2016

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Santosh Kumar Singh son of Sri Radhe Shyam Sigh resident of village-
Aayar, P.O. Aayar Jagdishpur, P.S. Aayar, Bhojpur, proprietor of M/s Om
Sai Mini Rice Mill, situated at Aayar, P.S. Aayar, Bhojpur

.... Petitioner/s

Versus

1. State of Bihar

2. Director, Bihar State Food Corporation Ltd, Patna, Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.N.P. Sinha

Mr. Mukul Prasad

For the Opposite Party/s : Mr. Khurshid Anwar (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

2 20-01-2016

Heard Mr. S.N.P. Sinha, Sr Counsel for the
petitioner and Mr. A.N.Rai for the respondent-Corporation.

This is the second occasions when the petitioner
has moved for modification of the order dated 10.07.2015
passed in Cr. Misc. No. 24236 of 2015. Under the said
order, he was granted the privilege of anticipatory bail
subject to deposit of certain amount. The petitioner was
required to deposit, in instalment, 10% and 15% of the
defalcated amount. Instead of benefiting from the said order
by surrendering and furnishing the bail bonds, an
application for modification in the order was filed which
was considered and disposed of vide order dated
09.09.2015 passed in Cr. Misc. No. 35175 of 2015 whereby

he was permitted to get the benefit of the order provided he surrenders within 03 weeks and complies with the condition(s). The present application now seeks further extension of time.

It is stated that if the time is extended, the petitioner is ready and willing to deposit 10% and 20% = 30% of the misappropriated amount in lump sum.

The counsel for the Corporation has stated that at least on two occasions indulgence was granted by this Court.

Mr Sinha states that, as a penalty, the petitioner, if so directed, would be willing to deposit 30% of the defalcated amount at one go and furnish the bail bonds if the time is extended. He has also explained the reasons for not doing so by the petitioner on earlier occasion(s).

Considering the facts and circumstances of the case, the application is allowed. The order dated 09.09.2015 passed in Cr. Misc. No. 35175 of 2015 in connection with Aayar P.S. Case No. 23 of 2015 pending in the court of Chief Judicial Magistrate, Bhojpur at Ara, is modified to the extent that the petitioner shall surrender in the light of the said order on or before 15th of February, 2016 and furnish

the bail bonds together with the document(s)/paper(s) showing deposit/payment of 30% of the defalcated/misappropriated amount, as depicted in the FIR with the Bihar State Food and Civil Supplies Corporation.

(Kishore Kumar Mandal, J)

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