

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9470 of 2016

=====

1. Madan Prasad Arya, Son of Late Badari Prasad, resident of of Old Bazar, P.S.- Shikarpur, District- West Champaran, Proprietor of M/S Ganesh Rice Mill, Narkatia, ganj, West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar

For the Opposite Party/s : Mr. Mukesh Kumar Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 21-09-2016

The present application has been filed for modification of the order dated 03.07.2015 passed in Cr. Misc. No. 29238 of 2015 for extending the period of provisional bail.

The prosecution case is that Bettiah unit of The Bihar State Food & Civil Supplies Corporation Limited supplied 19737.20 quintals of paddy to the petitioner being rice miller during the procurement year 2012-13. In lieu thereof the petitioner was supposed to supply 13223.924 quintals of custom milled rice but petitioner supplied only 5652.239 quintals of processed rice and failed to supply 7571.685 quintals of processed rice worth 1,63,96,938.17/-

On submission of the counsel for the petitioner that petitioner is ready to deposit 20% of the alleged due amount, the petitioner was granted provisional anticipatory bail for a period of nine months and petitioner was directed to

deposit 20% of the alleged amount within a period of eight 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 eight 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 the draft of the 20% of the alleged due amount could not be submitted within the stipulated period but now the draft of the said amount has already been submitted and it has been accepted by the Bihar State Food & Civil Supplies Corporation. It is further submitted that bail bonds of the petitioner has still not been cancelled, though statement to that effect has not been made in the petition.

Mr. Manas Prakash Singh, learned counsel for the Bihar State Food & Civil Supplies Corporation does not controvert the contention of the counsel for the petitioner.

In the circumstances, the order dated 03.07.2015 passed in Cr. Misc. No. 29238 of 2015 is modified to the extent that the period of provisional bail of the petitioner is extended till 18th of October, 2016.

It is expected from learned Court below to confirm the provisional bail of the petitioner if the petitioner files an affidavit bringing on record the proof with regard to the

deposit of the 20% of the alleged due amount before the Bihar State Food & Civil Supplies Corporation, Patna.

Accordingly the modification application is disposed of in connection with Shikarpur P.S. Case No. 163 of 2015, pending in the Court of learned Chief Judicial Magistrate, West Champaran, Bettiah.

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--