

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22101 of 2016

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1. Shyam Bihari Pandey, thr Proprietor of M/s Maa Jagdamba Mini Rice Mill, Chenari Rohtas, Son of Late Ram Swarup Pandey, Resident of Village- Bharandua, P.S.- Chenari, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Managing Director, Bihar State Food Corporation, Sone Bhawan, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra
For the Opposite Party/s : Mr. Nirmala Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 13-07-2016

The present application has been filed for modification of the order dated 05.10.2015 passed in Cr. Misc. No. 39647 of 2015 for extending the period of provisional bail as well as the period of submission of the draft of the undertaken amount.

The prosecution case is that Rohtas unit of The Bihar State Food & Civil Supplies Corporation supplied 16224 quintals of paddy to the petitioner being rice miller during the procurement year 2011-12. In lieu thereof the petitioner was supposed to supply 10870.08 quintals of custom milled rice but petitioner supplied only 7783.90 quintals of processed rice and failed to supply 3086.18 quintals of processed rice worth Rs. 58,73,586.91/-/- within stipulated time frame i.e. 30.04.2013. The petitioner

subsequently deposited Rs. 8,00,000/-.

The petitioner was granted provisional anticipatory bail for a period of six months on readiness of the petitioner to deposit 20% of the alleged due amount i.e. Rs. 11,74,700.17/- and after deposit of Rs. 8,00,000/- the petitioner was to deposit rest of Rs. 3,74,700.17/- in five monthly equal installments 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 rest of Rs. 3,74,700.17/- in five monthly equal installments 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 undertaken amount could not be submitted within the stipulated period but now the draft of the undertaken amount of Rs. 3,74,700.17/- has already been submitted.

Mr. Awadhesh Kumar Singh, learned counsel for the Bihar State Food & Civil Supplies Corporation submits that the draft of the alleged due amount of Rs. 3,74,700.17 has already been submitted.

In the circumstances, the order dated 05.10.2015 passed in Cr. Misc. No. 39647 of 2015 is modified to the extent that the learned Court below will pass appropriate order for the confirmation of the provisional bail of

the petitioner on filing affidavit by the petitioner that petitioner has submitted a draft of Rs. 3,74,700.17/- before the Bihar State Food & Civil Supplies Corporation, Patna.

The period of provisional bail of the petitioner is accordingly extended.

Accordingly the modification is disposed of in connection with Chenari P.S. Case No. 61 of 2015, pending in the Court of learned Chief Judicial Magistrate, Rohtas at Sasaram.

(Dinesh Kumar Singh, J)

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