

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37428 of 2016

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1. Seo Kumar Sharma Proprietor , M/S Seo Shakti Rice Mill Son of Dina Nath Sharma Resident of Village-Arira, P.S. Shakurabad, District Jehanabad.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjan Kumar Sharan

For the Opposite Party/s : Mr. Sri Ram Sumiran Roy

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 21-09-2016

The present application has been filed for modification of the order dated 13.07.2015 passed in Cr. Misc. No. 23121 of 2015 for extending the period of provisional bail granted to the petitioner in a case registered for the offences punishable under Sections 406, 120B, 420 of the Indian Penal Code.

The prosecution case is that Jehanabad unit of The Bihar State Food & Civil Supplies Corporation Limited supplied 18278 quintals of paddy to the petitioner being rice miller during the procurement year 2012-13. In lieu thereof the petitioner was supposed to supply 12246 quintals of custom milled rice but petitioner supplied only 7830 quintals of processed rice and failed to supply 4416.39 quintals of processed rice worth 95,65,958/-



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 a period of eight months. However, now the petitioner has deposited the said draft 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. Shailendra Kumar Singh, learned counsel for the Bihar State Food & Civil Supplies Corporation on instruction from the District Manager, Bihar State Food & Civil Supplies Corporation does not controvert the contention of the counsel for the petitioner.

In the circumstances, the order dated

13.07.2015 passed in Cr. Misc. No. 23121 of 2015 is modified to the extent that the period of provisional bail of the petitioner is extended till 18th of October, 2016.

The provisional bail of the petitioner will be confirmed by learned Court below, 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 Shakurabad P.S. Case No. 40 of 2015, pending in the Court of learned Chief Judicial Magistrate, Jehanabad.

(Dinesh Kumar Singh, J)

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