

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7020 of 2016

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Vivek Kumar Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Md.Arif (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 24-02-2016

Heard.

The present application has been filed for modification of the order dated 01.07.2015 passed in Criminal Miscellaneous No.25568/2015 whereby the petitioner was granted provisional anticipatory bail in connection with Adapur P.S. Case No.68/2015, pending before the learned CJM, East Champarn at Motihari, registered under sections 409 and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the petitioner being rice miller was supplied 7800 quintals of paddy by the East Champaran unit of Bihar State Food and Civil Supplies Corporation Ltd. during the procurement years 2012-13 in lieu thereof he was supposed to supply 5256 quintals of

custom milled rice. The petitioner supplied only 2970 quintals of custom milled rice but failed to supply 2256 quintals of processed rice worth Rs.48,85,503.36/-.

The petitioner was granted provisional anticipatory bail for seven months on the undertaking to deposit 20% of the alleged due amount within a period of six months. The provisional bail of the petitioner was to be confirmed by the learned Court below on deposit of 20% of the alleged due amount. Though the petitioner failed to deposit 20% of the alleged due amount within a period of six months.

It is submitted by learned counsel for the petitioner that the petitioner has already deposited 20% of the alleged due amount of Rs. 48,85,503.36/-. The bail bonds of the petitioner have not been cancelled till date. Though, statement to that effect has not been made in the petition.

It is submitted by learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd. that he has received instructions of the District Manager of Bihar State Food and Civil Supplies Corporation Ltd that the petitioner has already deposited 20% of the alleged due amount.

Consequently, the order dated 1.07.2015 passed in Criminal Miscellaneous No.25568/2015 is modified to the extent

that the provisional anticipatory bail granted to the petitioner is hereby confirmed.

Accordingly, the modification application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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