

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57017 of 2015

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1. The Bihar State Food & Civil Supplies Corporation Ltd. through the District Manager Nawada

.... Petitioner/s

Versus

1. Gira Prasad Yadav son of Late Mahavir Yadav
2. Ajeet Kumar son of Dhanushdhari Pandey
3. Upendra Yadav son of Ram Charitra Yadav, Proprietor M/S Ganpati Rice Mill resident of village Bara Pandaya, P.S. Roh, District- Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Anuj Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-08-2016

The present application has been filed for modification of the order dated 05.08.2015 passed in Cr. Misc. No. 28894 of 2015 to the extent that the period of deposit of 20% of the alleged due amount be reduced from one year to four months which has been mentioned in paragraph No. 5 of the modification application which reads as follows:-

“That it is relevant to mention here that the Hon’ble Court has considered the several bail petition and directed the petitioner to deposit 20% alleged due CMR amount on equal installment within 4 months and the opposite party/ humbly prays for reduce the fixed time with direction to deposit dues amount on equal installment.”

Initially the petition was filed by four

petitioners but with regard to petitioner No. 3 namely Mundrika Prasad Yadav the application has been withdrawn vide order dated 21.07.2015 since he has been arrested.

The prosecution case is that Nawada unit of The Bihar State Food & Civil Supplies Corporation supplied 13360 quintals of paddy to the opposite parties being rice miller under an agreement for the procurement year 2012-13. In lieu thereof the opposite parties were supposed to supply 8951.20 quintals of custom milled rice but opposite parties supplied only 2700 quintals of processed rice and failed to supply 6251 quintals of processed rice worth Rs. 1,35,37,348.68/-.

The opposite parties were granted provisional anticipatory bail for a period of 13 months on their undertakings to deposit 20% of the alleged due amount of Rs. 1,35,37,348.68 within a period of one year through bank draft in favour of the Bihar State Food & Civil Supplies Corporation, Patna. The provisional bail was to be confirmed by learned Court below on submission of draft of 20% of the alleged amount of Rs. 1,35,37,348.68/- within a period of one year and the above deposit was subject to the certificate proceeding and it was not directed to be treated as admission of the opposite parties to the claim of the petitioner.

In view of the fact that the order dated 05.08.2015 was passed after hearing the counsel for the Bihar

State Food & Civil Supplies Corporation and the present modification application has been filed after about more than four months of the passing of the order dated 05.08.2015, this Court is not inclined to interfere the present modification application.

It is needless to reiterate that opposite parties were granted provisional anticipatory bail and the provisional bail was to be confirmed only on deposit of the 20% of the alleged due amount within the stipulated period of one year.

Accordingly the modification application stands dismissed.

(Dinesh Kumar Singh, J)

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