

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5767 of 2017

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1. Sitaram Tiwary Son of Ram Nagina Tiwary Resident of Village- Maura ,
P.S. Chenari, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, State Food Corporation , Rohtas , Sasaram.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey
For the Opposite Party No.2 : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 08-03-2017 Heard both sides.

The petitioner has filed this petition for modification of the order dated 9.12.2015 passed in Cr. Misc. No. 43866 of 2015 and for extension of time for depositing 20% of Rs.47,25, 129/-.

The learned counsel for the petitioner submits that the petitioner was granted anticipatory bail on condition that he would deposit 20% of Rs. 47,25, 129/- within four months from the date of receipt of that order, but the petitioner could not deposit the aforesaid amount due to unavoidable circumstances.

Shri Shailendra Kumar Singh, learned counsel for the Corporation, submits that in similar matter, the Corporation moved the Supreme Court in Special Leave to Appeal (Criminal) No. 1779 of 2016 and other analogous cases and the Supreme Court directed to deposit entire Bank guarantee or the value of the price.

It appears that the petitioner had undertaken to deposit 20% of Rs. 47, 25, 129/- within four months from the date i.e.



9.12.2015, but the petitioner did not deposit the aforesaid amount, I do not find any justifiable and reliable reason to extend the period of depositing the aforesaid amount and for modification of the order dated 9.12.2015.

Considering the aforesaid facts, this petition for modification is dismissed.

(Prabhat Kumar Jha, J)

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