

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45359 of 2016

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Santosh Kumar Yadav son of Late Gupteshwar Singh At village - Mohani,
P.O. - Shivpur, P.S. - Bikramganj, District - Rohtas (Sasaram).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil Supplies Corporation Limited through its
M.D. Bihar at Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh Mr. Satyendra Prasad Singh
For the Opposite party	:	Mr. Aditya Prakash Sahay
For the State	:	Mr. Sri Rajkishore Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 08-03-2017 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the Bihar State Food and Civil
Supplies Corporation.

2. It appears from the order that the Apex Court has specifically directed that the High Court has passed orders for deposit of 10-20 percent of the amount alleged to be involved in different cases for grant of anticipatory/regular bail. Since the bail orders has already been passed, the Apex Court was not inclined to cancel the anticipatory bail/bail but modified the order of granting anticipatory bail/bail conditionally adding conditions as follows :-

1. “ The accused in all the FIR(s), will ensure that bank guarantee, if not furnished, is furnished and if lapsed, is renewed within a period of one month from today failing which the anticipatory bail/bail granted will stand cancelled.



2. The accused will cooperate with investigation/trial and their failure to appear, when required, will be a ground for cancellation of anticipatory bail/bail. An order of cancellation will be passed by the trial court on being satisfied about such failure.
3. The investigation will be completed within a period of three months.
4. All the accused will be tried only at five places viz. Patna, Gaya, Chhapra, Darbhanga and Purnia by officers of the appropriate rank determined by the High Court within one week from today. The High Court may specify the area of jurisdiction of the said five courts by a public order. If required by the High Court, the State Government may sanction extra strength of officers with requisite infrastructure so that normal work of the court is not disturbed on account of the special arrangement for these cases.
5. The officers posted will deal with these cases exclusively. If free from their work, any other work may be assigned to the said officers.
6. The concerned authorities will be at liberty to encash the bank guarantee(s) after holding that there is a breach of terms of the agreement which decision will be subject to appropriate remedies of the parties.
7. If not otherwise encashed, the bank guarantee will be kept alive till the trial is over. However, deposits/furnishing of bank guarantees will be abide by further orders of the trial court, interim or final.
8. If any amount is deposited by the accused, the said amount will be adjusted in the in the amount of the bank guarantee, which is to be furnished by the accused.
9. The accused will surrender their passports to the respective courts within a period of four weeks from today and will not leave the country without prior permission from the concerned court.”

3. Clause (1) of the order clearly states that if a bank guarantee is not furnished, is to be furnished and if lapsed, is to be renewed within a the period of one month from today i.e., from the date of order i.e. 28.02.2017, failing which the anticipatory bail / bail granted stands cancelled.

4. It thus appears that there is no further need for



modification of the order passed by this Court. The only issue is to be considered now is whether the petitioner's bank guarantee was available and renewed as on date of order.

5. If the bank guarantee has been filed by the petitioner and has now lapsed, it is open to the petitioner to ensure that the same is validated in case the same had lapsed. The petitioner is required to have the same renewed within a period of one month from the date of the order passed by the Apex Court in the orders dated 28.02.2017 failing which as per the observations quoted above, the bail order passed by this Court shall stand revoked automatically.

6. With the aforementioned observations, the Modification Application stands disposed off.

(Anjana Mishra, J)

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