

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 53614 of 2016

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Shideshwar Dayal Pandey, son of Bishnu Shankar Pandey, Proprietor of
M/s Satyam Agro Food Products, Sarangpur, resident of Village –
Sarangpur, PS – Durgawati, District – Kaimur, Bhabhua

.... Petitioner/s

Versus

- 1 State of Bihar
- 2 The Bihar State Food and Civil Supplies Corporation through its District
Manager, Kaimur (Bhabhua)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Sri Uday Chand Prasad

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL ORDER

2 16-02-2017

This modification application has been filed seeking
modification in order dated 06.10.2016 passed in Cr Misc No
31175 of 2016.

Heard learned counsel for the petitioner as also
learned counsel for the Bihar State Food and Civil Supplies
Corporation (for brevity, *the Corporation*).

The petitioner had been made an accused in
Durgawati Police Station Case No 149 of 2016 lodged under
Sections 409 and 420 of Indian Penal Code for alleged defalcation
of about 13,000 quintals of rice. Being a rice miller, he had been
given the requisite amount of paddy for drilling and return the rice
so obtained. He allegedly failed to account for the rice. The
monetary value of the defalcated amount of rice is approximately



Rs 2.21 crores. This Court had granted indulgence of conditional anticipatory bail and the conditions were that first he would upfront deposit Rs 10 lacs to the Corporation. On that deposit being made and receipt being produced before the Court below, he would be enlarged on provisional bail subject to payment of a further sum of Rs 30 lacs within four weeks thereof. Upon deposit of the said sum of Rs 30 lacs, his provisional bail would be confirmed.

By this modification application, it is stated that petitioner has already deposited with the Corporation the initial amount of Rs 10 lacs though after some delay on 17.01.2017. He further seeks time of about four months to deposit the balance amount of Rs 30 lacs.

Having considered the matter, interest of justice would be served if the initial payment of Rs 10 lacs, as made above, is taken cognizance of by the Court below for the purposes of grant of provisional bail. The further sum of Rs 30 lacs, as ordered to be paid, will have to be paid within three months from the said date when provisional bail is granted.

Let it be noted that no further extension would be granted and if payments are not made in this extended period, the provisional bail would be cancelled and the petitioner would be



required to surrender to the custody of the Court.

It is made clear that the payment of upfront of Rs 10 lacs having already been made, the petitioner would be required to surrender for seeking provisional bail, as indicated above, before the Court below within a period of two weeks from today.

Accordingly, the order dated 06.10.2016 passed in Cr Misc No 31175 of 2016 stands modified.

This application stands disposed of.

(Navaniti Prasad Singh, J)

M.E.H./-

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