

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49243 of 2016

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Badri Kumar Mittal @ Badri Mittal Son of Shri Pawan Kumar Mittal
Resident of Pushp Vihar, Exhibition Road, P.O. G.P.O., P.S.- Gandhi
Maidan, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. The Bihar State Food & Civil Supplies Corporation Limited, through its
Managing Director, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Suraj Samdarshi, Advocate.
For the State : Smt. Meena Singh, A.P.P.
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 22-02-2017 Heard learned counsels for the petitioner, State and

learned counsel for the B.S.F.C.

The petitioner was granted provisional anticipatory
bail vide order dated 23.07.2015, passed in Cr. Misc. No. 28813 of
2015 on the submissions/undertaking of learned counsel for the
petitioner that the petitioner is ready to deposit 20% of outstanding
dues amount. The provisional anticipatory bail of the petitioner
was to be confirmed by the learned court below only after deposit
of the said amount with Bihar State Food & Civil Supplies
Corporation.

The present modification application has been filed on
behalf of the petitioner seeking modification in the earlier



provisional anticipatory bail order dated 23.07.2015, passed in Cr. Misc. No. 28813 of 2015, praying for extension of period for deposit of 20% of the amount in question by the petitioner. On query by this Court regarding the deposit of 20% of amount in question, it has been submitted that the said amount has not yet been deposited by the petitioner.

Considering the aforesaid fact, I find no valid reason to grant any further extension of time to the petitioner. The provisional anticipatory bail granted to the petitioner vide order dated 23.07.2015, passed in Cr. Misc. No. 28813 of 2015, in connection with Pawana P.S. Case No. 12 of 2015, pending in the court of learned Chief Judicial Magistrate, Bhojpur at Ara, stands cancelled/vacated as he has failed to comply with of his own submissions/undertaking.

The present modification application is, accordingly, dismissed.

If the petitioner surrenders in the court below within a period of four weeks and deposits the amount in question, the same shall be considered on its own merit without being prejudiced by the order of this Court.

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(Sudhir Singh, J)

