

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23893 of 2017

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Hari Shankar Prasad

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-05-2017 Heard learned counsels for the petitioner and The Bihar State Food and Civil Supplies Corporation.

The present application has been filed for modification of the order dated 31.07.2015, passed in Criminal Miscellaneous No.30279 of 2015 to the extent of extending the period of surrender.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code. The prosecution case is that under an agreement the petitioner being rice miller was supplied 38854.40 quintals of paddy by the Sitamarhi unit of The Bihar State Food and Civil Supplies Corporation during the agriculture season 2012-13 when he was supposed to supply 67% of custom milled rice to the tune of 26032.45 quintals. The petitioner supplied only 1350 quintals of custom milled rice but failed to



supply 24682.45 quintals of processed rice worth ₹5,34,51,326.42/-.

The petitioner was granted provisional anticipatory bail for 16 months in a case registered for the offences punishable under sections 406, 409 and 420 of the Indian Penal Code, on submission of the learned counsel for the petitioner that the petitioner undertakes to deposit 20% of the alleged amount, through bank draft, in favour of the Bihar State Food and Civil Supplies Corporation, Patna. The provisional bail of the petitioner was to be confirmed by the learned Court below on submission of bank draft of 20% of the alleged due amount within a period of fifteen months.

It is submitted by learned counsel for the petitioner that the petitioner has deposited the 20% of the alleged due amount, though with some delay.

The contention of the learned counsel for the petitioner has not been controverted by the learned counsel appearing on behalf of the Bihar State Food and Civil Supplies Corporation, as per instruction receipt by the District Manager, Sitamarhi.

In the circumstances, the period of surrender is extended by three weeks, from the date of production/receipt of a



copy of this order in connection with Dumra P.S. Case
No.94/2015, pending before the learned CJM, Sitamarhi.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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