

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10709 of 2017

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Prabhakar Kumar Singh Son of Nathuni Singh, Resident of Village- Sato
Ewati (Purani Kot), P.S.- Nuaon, District- Kaimur at Bhabhua.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil Supplies Corporation, through the District Manager, Kaimur at Bhabhua.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

2 29-03-2017 Heard Mr. Sumeet Kumar Singh for the petitioner as well as Mr. Sahay for the Bihar State Food & Civil Supplies Corporation (for short 'the Corporation').

The present application seeks modification/extension in the order dated 13.07.2016 passed in Cr. Misc. No. 19948 of 2016. By the said order, the time for deposit of 10% of the defalcated amount was extended to 28.07.2016 enabling the petitioner to deposit the same and get the confirmation of the provisional bail granted by this Court under order dated 09.07.2015 passed in Cr. Misc. No. 26232 of 2015.

It is submitted that the required amount, as per the said order as extended vide order dated 13.07.2016 was deposited but



12 days after the time granted by this Court. Reasons have been explained for doing so. It has thus been prayed that the application be allowed and 12 days' extension be granted by modifying the order dated 13.07.2016.

Mr. Sahay, on the other hand, submits that few matters in which anticipatory bail has been granted to the rice millers/accused(s) were challenged by the Corporation before the Hon'ble Apex Court and under order dated 28.02.2017 passed in SLP (Crl.) No.1779/2016 further condition has been imposed by the Hon'ble Supreme Court. It is submitted that those condition(s) be also imposed on the petitioner. A web copy of the said order has been produced which is taken on record and marked 'X' for identification. He has drawn attention of the Court to condition nos. 1, 7 & 8 in the said order which are extracted herienbelow:-

“(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.

(7) If not otherwise encashed, the bank guarantee will be kept alive till the trial is over. However, deposits/furnishing of bank guarantee 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 amount of the bank guarantee, which is to be furnished by the accused.”

Upon consideration of the submissions made at Bar, I am inclined to extend the time till 10th of August, 2016 as granted under order dated 13.07.2016. The condition noticed hereinabove shall be complied by the petitioner within 03 weeks from today whereafter only the learned trial court shall confirm the provisional bail granted to the petitioner.

(Kishore Kumar Mandal, J)

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