

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27104 of 2016

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Samoda Nand Tiwary, S/o Late Sita Nath Tiwary, resident of Village -
Khemnichak, P.S. - Amarpur, District - Banka Partner of M/S Kamla Food
Processing Industries, Khemnichak, Amarpur, Banka (Bihar).

.... Petitioner

Versus

1. The State of Bihar.

2. The Bihar State Food & Civil Supplies Corporation Limited.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Saket Tiwary, Advocate.

For the State : Mr. Pranav Kumar(App).

For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

6 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 28.07.2015, passed in Cr. Misc. No. 29597 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 outstanding dues 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 28.07.2015, passed in Cr.



Misc. No. 29597 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 the 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 28.07.2015, passed in Cr. Misc. No. 29597 of 2015 and interim order dated 20.07.2016 passed in the present modification application i.e., Cr. Misc. No. 27104 of 2016, in connection with Banka P.S. Case No. 228 of 2015, pending in the court of learned Chief Judicial Magistrate, Banka, stand cancelled/vacated as he has failed to comply with of his 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)

