

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32257 of 2016

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Rahul Kumar, Son of Sri Kamlesh Sharma, resident of Village- + P.O.
Dighi, P.S. - Konch, District-Gaya

.... Petitioner

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food & Civil Supplies Corporation
Limited, District-Gaya

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Lakshmi Kant Sharma, Advocate.
For the State : Smt. Reena Sinha, A.P.P.
For the B.S.F.C. : Mr. Aditya Prakash Sahay, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

8 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 21.07.2015, passed in Cr. Misc. No. 27174 of
2015 on the submissions/undertaking of learned counsel for the
petitioner that the petitioner is ready to deposit 20% of Rs.
1,75,60,101.89.00. 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 within a period of twelve months.

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



provisional anticipatory bail order dated 21.07.2015, passed in Cr. Misc. No. 27174 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 21.07.2015, passed in Cr. Misc. No. 27174 of 2015, in connection with Konch P.S. Case No. 49 of 2015, pending in the court of learned Judicial Magistrate-Ist Class, Gaya, 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)

