

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37012 of 2016

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Bhola Prasad, S/o Late Jagarnath Prasad, R/o Village Itarhi, P.S. Itahi,
District- Buxar, Bihar, Proprietor M/s Radhakrishna Mini Rice Mill, Itarhi,
Buxar, District- Buxar.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation
Limited, Buxar.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Surendra Kumar Singh, Advocate.

For the State : Mr. Ajit Kumar, 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

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 02.09.2015, passed in Cr. Misc. No. 23013 of
2015 on the submissions/undertaking of learned counsel for the
petitioner that the petitioner is ready to deposit 20% of Rs.
1,14,21,361.00. 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 02.09.2015, passed in Cr.



Misc. No. 23013 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 02.09.2015, passed in Cr. Misc. No. 23013 of 2015 and interim order dated 14.09.2016 passed in the present modification application i.e., Cr. Misc. No. 37012 of 2016, in connection with Itarhi P.S. Case No. 93 of 2015, pending in the court of learned Chief Judicial Magistrate, Buxar, stand cancelled/vacated as he has failed to comply 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)

