

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22372 of 2016

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Sri Kamal Kishor Gupta, Son of Panalal Gupta, resident of Village -
Baroon, P.S. - Baroon, District - Aurangabad.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Brij Bihari Tiwary, Advocate.
For the Opposite Party : Mr. Nityanand Tiwary(App)
For the B.S.F.C. : Mr. Aditya Prakash Sahay, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 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 16.07.2015, passed in Cr. Misc. No. 27671 of
2015 on the submissions/undertaking of learned counsel for the
petitioner that the petitioner is ready to deposit 20% of Rs.
72,38,215.00. 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 six months.

A modification application was filed on behalf of the
petitioner being Cr. Misc. No. 1735 of 2016 for extending the



period for depositing the amount in question from six months to another four months which was allowed on 13.01.2016 and the petitioner was granted an extension of another four months for depositing the amount in question from the date of receipt/production of copy of the order.

After the lapse of the extended period, the present modification application has been filed on behalf of the petitioner seeking modification in the earlier provisional anticipatory bail order dated 16.07.2015, passed in Cr. Misc. No. 27671 of 2015, praying for further 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 16.07.2015, passed in Cr. Misc. No. 27671 of 2015 and interim order dated 18.05.2016 passed in the present modification application i.e., Cr. Misc. No. 22372 of 2016, in connection with Baroon P.S. Case No. 57 of 2015, pending in the court of learned Chief Judicial Magistrate, Aurangabad, stand 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)

