

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36129 of 2017

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Ramesh Bhushan, Son of Late Ram Sharan Prasad, propriter of Maa Shanti Agro Industries, Resident of Village- Jai Prakashpur, P.O. and P.S.- Nursarai, District- Nalanda.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

10 18-04-2018 Heard learned counsel for the petitioner, learned counsel for the State and the learned counsel for the Bihar State Food and Civil Supplies Corporation.

Petitioner seeks modification of the order dated 08.09.2016 by which pre-arrest bail was granted subject to payment of Rs. 20 lacs within six months which was extended by another four months vide order dated 29.03.2017 passed in Cr. Misc. No. 12280 of 2017.

Counsel for the petitioner submits that he had moved earlier before this Court in C.W.J.C. No. 10687 of 2013 for his liability for payment to the opposite party no. 2 to the tune of Rs. 1,17,06,648/- on account of husking of paddy. The petitioner was



directed to make payment of Rs. 15 lacs, 50% of the dues within one week and balance 50% of the dues within four weeks vide order dated 16.05.2014. He contends that bail was also granted to the petitioner by this Court in Cr. Misc. No. 34965 of 2016 vide order dated 08.09.2016 on condition of deposit of Rs. 20 lacs within six months, the period of which was modified subsequently by four months. He submits that the appeal against the Writ Court order was disposed of by a common order, which ultimately traveled to the Apex Court and in S.L.P. (C) No. 17328 of 2016 in which by order dated 23.09.2016 while issuing notice, the Hon'ble Apex Court has passed an order that there shall be no coercive steps for recovery of dues and that matter is still subjudiced before the Hon'ble Apex Court.

Considering the facts and circumstances and the order passed by this Court and the Apex Court, the undertaking of the petitioner to make payment of Rs. 20 lacs shall remain in abeyance till decision of the Hon'ble Apex Court.

The application is disposed off.

(Nilu Agrawal, J)

Devendra/-

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