

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2687 of 2019

In
CRIMINAL MISCELLANEOUS No.38646 of 2017

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Ashutosh Srivastava @ Ashutosh Kumar Srivastava, Son of Vidya Shankar Prasad, Resident of Village-Pandey Patti, P.O-Pandeypatti, P.S.-Buxar (Muffasil), District-Buxar, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Bihar State Food and Civil Supply Corporation ,Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-05-2019 The present application has been filed for modification of order dated 12.12.2018 passed in Cr. Misc. No. 38646 of 2017, whereby the earlier modification filed for modification of order dated 31.08.2015 passed in Cr. Misc. No. 33837 of 2015 was disposed of.

The factual matrix of the case is that the petitioner, being a rice miller, was granted provisional anticipatory bail for six months on deposit of the 20% of the alleged due amount through bank draft in favour of the The State Food and Civil



Supplies Corporation. On deposit of 20% of the total price of the custom milled rice to the tune of Rs.33,12,761/-, the provisional anticipatory bail was to be confirmed by the learned Court below.

It appears that the petitioner earlier preferred Cr. Misc. No. 38646 of 2007 for modification of the order dated 31.08.2015 passed in Cr. Misc. No. 33837 of 2015 to the extent of extending the period of deposit of 20% of the alleged due amount. The said modification was disposed of vide order dated 12.12.2018 when this Court declined to entertain the application on the ground that the modification application was registered on 11.08.2017 when the stipulated period of six months elapsed in 2016. Since earlier modification application was not allowed hence, entertainment of the present modification application will amount to reviewing the earlier order.

However, it is made clear that in terms with the order of the Supreme Court passed in SLP (Crl.) No. 9196 of 2017 the petitioner is at liberty to surrender before the learned Court below and pray for regular bail in connection with Buxar (Muffasil) P.S. Case No. 142 of 2015, pending in the Court of learned Chief Judicial Magistrate, Buxar which will be considered by the learned Court below without being prejudiced



by the order of this Court.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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