

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41602 of 2015

Arising Out of PS. Case No.-95 Year-2015 Thana- RAMGARH District- Kaimur (Bhabua)

Satendra Singh Son of Late Ram Surat Singh Resident of Village- Nonar,
P.S.- Ramgarh, District- Kaimur Bhabua, Proprietor of M/s Om Narayan Mini
Rice Mill, Nonar, Ramgarh.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pramod Kumar Pathak Son of Late Uday Chandra Pathak, Resident of
Village- Samar, P.S. Bhokhada, District- Sitamarhi, At present- District
Manager, State Food Corporation, Kaimur, District- Kaimur Bhabua.
3. Bihar State Food and Civil Supplies Corporation, through its District
Manager, Kaimur Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.S.Dayal, APP

For the O.P. No. 3 : Mr. Shailendra Kumar Singh, Adv. For B.S.F.C.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-02-2023 No one appears on call for the petitioner. Learned
counsel for the B.S.F.C. is present.

The present quashing application is being filed for the
following reliefs :

(i) for quashing part of the Order dated 25.7.2015,
passed in Regular Bail Petition No. 263/2015. passed by the
learned Additional Sessions Judge, 1st, Kaimur (Bhabua) in
connection with Ramgarh P.S. Case No. 95/2015, only to the
extent of fixing the quantum of amount as fixed Rs. 2 Lakh per
month to be paid by the petitioner as installment so as to clear



the due amount as mentioned in the F.I.R., in absence of any written undertaking and affidavit filed or given by the petitioner before the court below at the time of hearing of the his Regular bail petition;

(ii) further after quashing the part of Order dated 25.7.2015, passed in Bail Petition No. 263/2015, passed by the learned Additional Sessions Judge, 1", Kaimur (Bhabua), to that extent, the petitioner may be allowed and directed to pay remaining due amount to be paid in monthly installment of Rs. 50,000/- per Month, till all the remaining dues are cleared, to the satisfaction of learned Chief Judicial Magistrate, Kaimur (Bhabua);

(iii) further the excess/disputed amount if any may kindly be adjusted in the total amount to be paid by the petitioner and the petitioner be granted liberty to present the correct figure of due amount to be paid to the Bihar State Food Corporation.

Learned counsel for the informant has drawn attention to the Court of the order dated 25.7.2015 passed by the learned Additional Sessions Judge, 1st Kaimur at Bhabua in Bail Petition No. 263 of 2015 to show that during the pendency of his bail, he paid Rs. 5 lakh on 24.7.2015 and further undertook to pay the



rest of the amount i.e. Rs. 19,47,840.75/-.

From the order-sheet, it appears that the modalities of payment was also offered by the petitioner and recorded by the learned Sessions Judge with the observation that if he fails to live up to the promise, steps can be taken by the other side for cancellation of his bail bond.

Learned counsel for the informant submits that thereafter no payment made and the petitioner chose to prefer the present quashing application. He however concedes that the petitioner became embolden in filing quashing application only because of the failure on the part of the B.S.F.C. in not taking steps for cancellation of his bail when the learned Sessions Judge had clearly also recorded it in its order dated 25.7.2015.

Be that as it may, since no one has appeared on behalf of the petitioner, the petition stands dismissed for non-prosecution with liberty to raise all the points before the Trial Court at an appropriate stage.

(Rajiv Roy, J)

Ajay Singh/-

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