IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11163 of 2024
In
CRIMINAL MISCELLANEOUS No.71133 of 2019

Arising Out of PS. Case No.-237 Year-2019 Thana- CHAPRA MUFFASIL District- Saran

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1. Nagnarayan Rai S/O Shambhu Nath Rai (Member Of Pacs) R/O Village- Dumaria, P.S- Chapra Muffasil, Distt.- Saran At Chapra.
2. Mahindra Kumar S/O Late Lal Babu Rai R/O Village- Dumaria, P.S- Chapra Muffasil, Distt.- Saran At Chapra.

... ... Petitioner/s

Versus

1. The State Of Bihar
2. The Bihar State Food Corporation, Patna.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate
For the SFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 05-10-2024 Heard learned counsel for the petitioners and Mr. Shailendra Kumar Singh, learned counsel for the State Food Corporation.

2. This application has been filed seeking further extension of time to deposit the balance 50% amount which the petitioners were obliged to deposit in terms of the order dated 22.06.2020 passed in Cr.Misc.No.10108 of 2020 within eight weeks from the date of the said order.

3. Learned counsel for the petitioners submits that the petitioners had earlier surrendered and furnished bail bonds in terms of the order of this Court passed on 18.12.2019 in Cr.Misc.No.71133 of 2019 but thereafter they could not comply with the conditions of bail within the prescribed period.

4. It is submitted that, at this stage, the petitioners have already paid the entire amount as per the conditions imposed in this Court's original order and in this regard a copy of the bank receipt dated 10.01.2023 has been brought on the record as Annexure-5 to the petition.

5. Learned counsel submits that the failure to deposit the rest of the 50% amount had occasioned due to the unprecedented Covid-19 situation which rendered unemployment in the family. Learned counsel prays for unconditional apology of the petitioners to be accepted by this Court.

6. Mr. Shailendra Kumar Singh, learned counsel for the District Manager, State Food Corporation, Chapra has appeared. Earlier an affidavit has been filed on behalf of the District Manager, State Food Corporation which is on the record. It is stated in paragraph '4' of the said affidavit that in compliance of the Hon'ble Court's order, the District Manager, SFC, Chapra has informed that the present PACS Chairman has deposited the dues amount in the bank account of the District Central Co-operative Bank, Chapra. Learned counsel for the State Food Corporation admits that now the balance 50% amount stands deposited.

7. Having considered the submissions noted hereinabove and the materials on the record, even though this Court finds that the petitioners had failed to comply with the

condition of payment of rest 50% amount within eight weeks from the order dated 22.06.2020 passed in Cr.Misc.No.10108 of 2020 but at the same time it is to be noticed that there was an unprecedented Covid-19 situation in which the whole country had gone under lockdown and for about two years normal activities were not going on and then the petitioners have now deposited the entire amount, this Court is of the view that the period of deposit of rest 50% amount should be extended till the date of deposit made by the petitioners. This Court, therefore, modifies the period which were granted for depositing the rest 50% of the amount and directs that the same stands extended till the date of deposit.

8. This Court has been informed that the learned court below has not cancelled the bail bond of the petitioners. If it is so, the bail bonds of the petitioners shall not be cancelled on this ground alone.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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