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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21172 of 2015

Arising Out of PS.Case No. -99 Year- 2015 Thana -BUXAR MUFFSIL District- BUXAR

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Brahmeshwar Nath Chauhan @ Brahmeshwar Chauhan S/o late Ram Darash Chauhan R/o Village- Nadaon, PS Buxar (M), District- Buxar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner : Mr. Surendra Kumar Singh, Advocate.
For the Opposite Party : Mr. Ahmad Ali (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-07-2015 Heard both sides.

The petitioner apprehends his arrest in Buxar (M) P.S. Case No. 99 of 2015, registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

The petitioner lifted 12157 quintals of paddy for milling and he has to deposit 8146.46 quintal of CMR rice to the S.F.C., but he has only deposited 270 quintals of rice. The petitioner had to give 7875.46 quintals of rice worth Rs. 1,49,88,020/-.

Sri Surendra Kumar Singh, the learned counsel for the petitioner submits that in pursuance of the agreement between the petitioner and the S.F.C. the S.F.C. was to carry rice from the mill of the petitioner, but the S.F.C. did not provide any transportation. The petitioner wrote several letters to the S.F.C. for lifting the rice.

When the rice was sent to the S.F.C. godown, the same was rejected on the ground that the rice was of substandard quality. It is further submitted that in many cases the rice mill owner were granted anticipatory bail on the ground that the certificate case was pending. It is a case of violation of terms of agreement between the S.F.C. and rice mill owners.

From perusal of the records, it appears that the agreement was of the year 2011-12, but even after three years the rice was not either lifted by the S.F.C. or by the petitioner and Rs. 1,49,88,020/- is still lying with the petitioner.

Considering the facts aforesaid, if the petitioner is deposited 20 per cent of the entire amount within four months from the date of receipt of this order and for the rest amount the petitioner and the authority of the S.F.C. shall resolve the disputes through proper means within six months thereafter. But the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in Buxar (M) P.S. Case No. 99 of 2015, subject to the conditions as

laid down under Section 438(2) of the Cr.P.C. If the petitioner fails to deposit 20 per cent of the total amount within four months, the learned court below shall cancel the bail bonds of the petitioner.

(Prabhat Kumar Jha, J.)

KKSINHA/-

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