

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31088 of 2015

Arising Out of PS.Case No. -15 Year- 2015 Thana -DUMRA District- SITAMARHI

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Md. Mustafa Khan @ Mustafa Khan s/o Late Ahmad Khan, R/v Badaul,
P.S. Pupri Distt. Sitamarhi

.... Petitioner/s

Versus

State of Bihar

2. Shambhu Nath Tripathi S/o Late Shiv Chand Tripathi at present District
manager State Food and Civil Supply Corporation, Dumra Sitamarhi, P.S.
Dumra, District Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Mr. S.Dayal (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 04-11-2015 Supplementary affidavit has been filed, which is kept
on record.

Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Dumra
P.S. Case No. 15 of 2015 registered for the offences punishable
under Sections 420, 406 and 409 of the Indian Penal Code.

Allegedly 5,873.65 Quintals of paddy was given to the
Rice Mill of the petitioner by the District Manager, S.F.C.,
Sitamarhi and he deposited only 1,614 Quintals of rice and did not
deposit rest 2,321.35 Quintals of rice inspite of several reminders,
causing loss to the tune of Rs. 57,53,605.26 Paise to the

department.

Submission is that the petitioner has deposited entire C.M.R. rice and against which receipts have been granted to him. The petitioner has not been given milling charge @ Rs. 15/- per Quintal, labour cost @ Rs. 10/- per quintal as well as transportation cost. F.I.R. has been lodged after suppressing the fact in agreement. It is stated that if any amount remains due on account of default, the said can be recovered by instituting a certificate case. In identical case bearing Nanpur P.S. Case No. 01 of 2015, the petitioner has been allowed pre-arrest bail vide order dated 11.06.2015 passed in Criminal Misc. No. 17925 of 2015 and in this case the petitioner is suffering in custody since 9th of June 2015.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that it is a matter of calculation and accounting and, as such, the petitioner, above named, is directed to be released on bail on execution of 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, Sitamarhi arising out of Dumra P.S. Case No. 15 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient

immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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