

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33917 of 2015

Arising Out of PS.Case No. -19 Year- 2015 Thana -KALER District- JEHANABAD

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Ramesh Kumar, S/o Kamleshwar Singh, Resident of Village- Dilawarpur,
P.S.- Kaler, District- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, B.S.F.C., Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv.

For the Opposite Party/s : Mr. Madhuranand Jha(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-08-2015 Heard the learned counsel for the petitioner, the learned
counsel for the O.P. No. 2 and the learned counsel for the State.

The petitioner who happens to be the proprietor of M/s.
Laxmi Rice Mill is languishing in jail custody since 29.05.2015 in
connection with Kaler P.S. Case No. 19 of 2015 for offences
alleged under Sections 409 and 420 of the Indian Penal Code.

The prosecution case as lodged by the District Manager
B.S.F.C, Jehanabad is that for the year 2012-13, the petitioner as
per agreement entered with the BSFC, received 2000 quintals
paddy for milling under Custom Milled Rice Scheme and @ 67 %
the rice comes to the tune of 1340 quintals and the petitioner has
deposited only 540 quintals of CMR and rest 800 quintals has not
been deposited till the cutoff date i.e. 31.12.2013 and as such @
Rs. 2165.56 paise per quintals, the petitioner is alleged to have
under criminal conspiracy defalcated money to the tune of Rs.

17,32,448/- and the same has not been deposited in spite of repeated direction and accordingly the present case was registered.

It has been submitted by the learned counsel for the petitioner that for the similar recovery, a certificate case under Public Demand Recovery Act being Certificate Case No. 06 of 2014-15 has been lodged against this petitioner in the Court of Certificate Officer, Jehanabad. It has further been submitted that petitioner is ready to deposit 20 % of the alleged defalcated amount of Rs. 17,32,448/- within a period of six months from the date of his release from the custody. In such circumstances the petitioner is directed to deposit 20 % of Rs. 17,32,448/- within six months.

Under such circumstances and on such undertaking, let the petitioner Ramesh Kumar be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Arwal in Kaler P.S. Case No. 19 of 2015.

(Nilu Agrawal, J)

Prakash/-

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