

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21164 of 2015

Arising Out of PS.Case No. -87 Year- 2015 Thana -ITADHI District- BUXAR

=====

Sri Mohan Choubey @ Mohan Choubey son of Late Ram Nath Choubey,
resident of village- Indaur, P.S.- Itarhi, District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food and Civil Supplies Corporation
Limited, Buxar, District- Buxar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh
For the Opposite Party/s : Mr. Dashrath Mehta. (A.P.P.)

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 01-07-2015 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Itarhi P.S. Case No. 87 of 2015 registered under Sections
403/406/420/421 and 424 of the Indian Penal Code.

The accusation is that petitioner, being the rice
miller, entered into an agreement with the State Food Corporation
for Milling 12602 quintals Paddy and to supply 8443.608 quintals
rice but the petitioner supplied only 4591.284 quintals of rice and
misappropriated rest rice worth Rs. 83,42,438.76.

Learned counsel appearing on behalf of the
petitioner submits that in fact, it is the duty of the Bihar State Food

Corporation to supply the bag and collect the rice, but due negligence of Corporation, rice could not be collected and the rice damaged due to rain. It is further submitted that as per agreement entered into between the parties, any recovery can be made by initiating the proceeding under P.D.R. Act. It is also submitted Ashok Kumar Singh in similar nature of case has been allowed anticipatory bail by a Bench of this Court vide Cr. Misc. No. 23971 of 2005 on 22.05.2015.

Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M., Buxar in connection with Itarhi P.S. Case No. 87 of 2015, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Rajendra Kumar Mishra, J.)

Shail/-

U		T	
---	--	---	--