

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25929 of 2015

Arising Out of PS.Case No. -106 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

1. Rajesh Kumar @ Rajesh Kumar Singh, son of Radheshyam Singh,
resident of Village- Lalapur, P.S.- Kudra, District- Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abdul Wadood
For the State : Md.Ansarul Haque (App)
For the BSFC Mr. Shailendra Kumar Singh, Adv

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 27-07-2015 Heard learned counsel for the petitioner, learned
counsel for the Corporation as well as learned Additional Public
Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Kudra P.S. Case No. 106 of 2015 registered for the offences
punishable under Sections 409, 420 of the Indian Penal Code.

Petitioner happens to be rice miller and it is alleged
that 5,900 quintals paddy were supplied to him and he had to
return 3,953 quintals rice but he supplied only near about 1300
quintals rice and accordingly, misappropriated the government
money to the tune of Rs. 56,41,630.29/-

The contention on behalf of the petitioner is that the

Corporation instituted a certificate case against the petitioner and petitioner came before this court challenging the institution of certificate case. It is further contended by him that this Court sent the matter for arbitration as there was dispute between the parties in respect of quantity of supply of the rice. Moreover, the property of the petitioner worth Rs. 2,96,00000/- has already been mortgaged with the Corporation and at best, it is a case of breach of contract.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall 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 Chief Judicial Magistrate, Kaimur, Bhabua in Kudra P.S. Case No. 106 of 2015 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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