

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23478 of 2015**

Arising Out of PS.Case No. -53 Year- 2015 Thana -NAWANGAR District- BUXAR

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1. Sri Rahul Kumar Singh @ Rahul Kumar Singh Son of Sri Bhuvneshwar Singh resident of village - Roopsagar, P.S. Nawanagar, District - Buxar

2. Sri Ramesh Chandra Singh @ Ramesh Chandra Singh, Son of Kedar Nath Rai resident of village - Roopsagar, P.S. Nawanagar, District - Buxar

.... .... Petitioners

Versus

1. The State of Bihar

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

.... .... Opposite Parties

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**Appearance :**

For the Petitioners : Mr. Sumeet Kumar Singh, Advocate.

For the Opposite Parties : Mr. Rajendra Pd.Nat(App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**

**ORAL ORDER**

2      09-07-2015      Heard both sides.

The petitioner apprehends his arrest in Nawanagar P.S. Case No. 53 of 2015, registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code.

The petitioners lifted 7000 quintals of paddy for milling and they have deposited only 2699.88 quintal of CMR rice to the B.S.F.C. The petitioners have not deposited about 1990.114 quintals of rice. Thus the petitioners have misappropriated about Rs. 43,09,711.00/-.

The learned counsel for the petitioners submits that in pursuance of the agreement between the petitioners and the



B.S.F.C. the B.S.F.C. was to carry rice from the mill of the petitioners, but the B.S.F.C. did not provide any transportation. The petitioners wrote several letters to the B.S.F.C. for lifting the rice. When the rice was sent to the B.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 B.S.F.C. and rice mill owners.

From perusal of the records, it appears that the agreement was of the year 2012-13, but even after two years the rice was not either lifted by the B.S.F.C. or by the petitioners and Rs. 43,09,711.00/- is still lying with the petitioners.

Considering the facts aforesaid, if the petitioners deposit 20 per cent of the entire amount within six months from the date of receipt of this order and for the rest amount the petitioner and the authority of the B.S.F.C. shall resolve the disputes through proper means within six months thereafter, but the petitioners 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, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten

Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in Nawanagar P.S. Case No. 53 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. If the petitioners fail to deposit 20 per cent of the total amount within six months, the learned court below shall cancel the bail bonds of the petitioners.

**(Prabhat Kumar Jha, J.)**

KKSINHA/-

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