

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26794 of 2015

Arising Out of PS.Case No. -15 Year- 2015 Thana -FESHAR District- AURANGABAD

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1. Manoj Kumar S/o Jagdish Yadav R/o Village Parsi, P.S.- Fesar, in the District of Aurangabad.
2. Ramesh Kumar @ Ramesh Kumar Gupta S/o late Raja Ram Sao r/o village Pirouta, P.S. - Fesar, in the District of Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplier Corporation Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-07-2015 It has been submitted by the learned counsel for the petitioners that petitioner no. 2 namely Ramesh Kumar @ Ramesh Kumar Gupta has already been arrested and his application has become infructuous.

Accordingly, this anticipatory bail application is dismissed as withdrawn.

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 409, 406, 420/34 of the Indian Penal Code.

The prosecution case is that under an agreement the petitioners being the rice miller were supplied 2165.56 quintals of paddy by the Aurangabad unit of The Bihar State

Food and Civil Supplies Corporation during the agriculture season 2010-11 when he was supposed to supply 7536.30 quintals of custom milled rice but the petitioner supplied only 4590 quintals of custom milled rice and failed to supply 2846.30 quintals of processed rice worth Rs. 61,63,753/-.

It is fairly submitted by the learned counsel for the informant and the Bihar State Food and Civil Supplies Corporation, Bihar, Patna that after lodging the First Information Report the petitioner has deposited Rs. 38,80,000/- vide letter no. 1326 dated 23.06.2013 issued by the Manager of D.S.F. The Certificate Proceeding No. 71 of 2014-15 is already going on.

Considering the fact that substantial sum of due amount has been deposited and certificate proceeding is going on, let above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Fesar P.S. Case No. 55 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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