

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27105 of 2015

Arising Out of PS.Case No. -19 Year- 2015 Thana -KUTUMBA District- AURANGABAD

Lallan Kumar Singh S/o - Late Laxman Singh R/o Village - Lavari, P.S. -
Kutumba, District - Aurangabad (Proprietor of M/s Jai Bajrang Mini Rice
Mill, Chilhiki Amba).

.... Petitioner/s

Versus

The State of Bihar through the Managing Director, Bihar State Food and
Civil Supplies Corporation Ltd., Patna.

.... Opposite Party/s

With

Criminal Miscellaneous No.27914 of 2015

Arising Out of PS.Case No. -19 Year- 2015 Thana -KUTUMBA District- AURANGABAD

Birendra Singh Son of Navratan Singh resident of village - Govas, P.O.
Kutumba, P.S. Kutumba, District - Aurangabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

(In Cr.Misc. No.27105 of 2015)

For the Petitioner/s : Mr. Vikram Singh and
Mr. Tej Narayan Singh, Advocates.
For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.
For the BSFC: Mr. Shailendra Kumar Singh, Advocate.

(In Cr.Misc. No.27914 of 2015)

For the Petitioner/s : Mr. Sumeet Kr. Singh and
Mr. Satyendra Prasad Singh, Advocates.
For the Opposite Party/s : Mr. Braj Kishore Prasad, A.P.P.
For the BSFC: Mr. Shailendra Kr. Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-07-2015 Heard both sides.

The petitioners in Cr. Misc. No. 27105/2015 and Cr.
Misc. No. 27914/2015 apprehend their arrest in Kutumba P.S.
Case No. 19/15 registered under Sections 406, 409, 420, 34 of the

Indian Penal Code.



The petitioner in Cr. Misc. No. 27105/2015, namely, Lallan Kumar Singh lifted 1504.00 quintals of paddy from the Bihar State Food & Civil Supplies Corporation Limited. As per the agreement, after processing the paddy, the petitioner had to deliver 1007.70 quintals of CMR (rice) but the petitioner delivered only 270.00 quintals of CMR (rice) within the stipulated period. It is alleged that the petitioner did not deliver 737.70 quintals of CMR (rice) worth Rs. 15,97,490/-. The petitioner in Cr. Misc. No. 27105/2015, namely, Birendra Singh lifted 9691.52 quintals of paddy from the Bihar State Food & Civil Supplies Corporation Limited. As per the agreement, after processing the paddy, the petitioner had to deliver 6493.30 quintals of CMR (rice) but the petitioner delivered only 4320.00 quintals of CMR (rice) within the stipulated period. It is alleged that the petitioner did not deliver 2173.30 quintals of CMR (rice) worth Rs. 47,06,451/-. It is submitted that it is a case of breach of trust and no criminal liability is made out. A certificate proceeding is also going on. The petitioners are ready to deposit 20% of the aforesaid amount due against them.

Considering the facts aforesaid and the fact that a certificate proceeding is going on and petitioners are ready to

deposit 20% of the remaining amount due against them, the above named petitioners of Cr. Misc. Nos. 27105/2015 & 27914/2015, in the event of their arrest or surrender before the learned 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, Aurangabad in Kutumba P.S. Case No. 19/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with a further condition that both the petitioners shall deposit 20% of the remaining amount lying due against them within six months from the date of their release. In the event, the petitioners fail to deposit 20% of the remaining amount lying due against them, as aforesaid, their bail bonds shall be cancelled.

Dilip/-

(Prabhat Kumar Jha, J)

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