

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32986 of 2015

Arising Out of PS.Case No. -156 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

Manoj Kumar Gupta Son of Late Ram Jee Sah, Proprietor of M/s Maa Bhagwati Food Product, Darwan, Resident of At + P.O. - Darwan, P.S. - Mohania, District - Kaimur, Bhabua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Radha Mohan Pandey

For the Opposite Party/s : Mr. H.A.Khan(App)

For the BSFC: Mr. Shailendra Kumar Singh.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 31-07-2015

Heard both sides.

The petitioner apprehends his arrest in a case under Sections 420 and 409 of the Indian Penal Code.

The petitioner lifted 6700 quintals of paddy from the Bihar State Food & Civil Supplies Corporation Limited for milling. The petitioner had to deliver 4489 quintals of rice but the petitioner did not deliver 4489 quintals of rice worth Rs. 18,64,115.84. It is alleged that out of the aforesaid sum, the petitioner only deposited Rs. 4,00,000/- and after adjusting the security amount of Rs. 50,000/-, the petitioner is liable to deposit Rs. 14,14,115.84. The petitioner is ready to deposit 20% of the aforesaid amount of Rs. 14,14,115.84. Sri Shailendra Kumar Singh, learned advocate for the BSFC, did not raise any objection

and submitted that the remaining amount shall be realised from the petitioner in accordance with law in a proceeding filed under Bihar & Orissa Public Demands Recovery Act, 1914.

Considering the facts aforesaid, the above named petitioner, in the event of his 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, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate, Kaimur at Bhabua in Bhabua P.S. Case No. 156/2015, corresponding to G.R. No. 895/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with a further condition that the petitioner shall deposit 20% of the aforesaid amount of Rs. 14,14,115.84 due against him within six months from the date of his release. In the event, the petitioner fails to deposit the aforesaid amount, his bail bonds shall be cancelled.

(Prabhat Kumar Jha, J)

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