

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29492 of 2015

Arising Out of PS.Case No. -103 Year- 2015 Thana -UDWANTNAGAR District- BHOJPUR

Smt. Anita Kumari @ Anita Kumari W/o Umesh Kumar R/O Mohalla-
Sidharth Nagar Anaith Ara, PS- Ara Nawada , Dist- Bhojpur, Proprietor of
Puja Rice Mill , Ekauna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, State Food Corporation, Bhojpur at Ara.

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. S.N.P. Sinha, Sr. Advocate,
Mr. Mukul Prasad and
Mr. Rohit Kumar, Advocates.

For the Opposite Party no.1 : Mr. Durgesh Nandan, A.P.P.

For the O.P. No. 2: Mr. Shailendra Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 27-07-2015 Heard both sides.

The petitioner apprehends her arrest in a case under
Sections 406 and 420 of the Indian Penal Code.

The petitioner is alleged to have lifted 14276 quintals
of paddy from the Bihar State Food & Civil Supplies Corporation
Limited for milling. He had to deliver 9564.92 quintals of rice but
the petitioner delivered only 2430 quintals of rice. The petitioner
is alleged to have misappropriated 7134.92 quintals of rice worth
Rs. 1,54,51,097.36. It is submitted that the petitioner did not
breach any terms and conditions of the agreement under which the
petitioner lifted the paddy. Since no transportation was provided,

the rice could not be delivered. However, the petitioner is ready to deposit 20% of the aforesaid amount of Rs. 1,54,51,097.36 within seven months from the date of receipt of this order. A certificate case is also going on. Sri Shailendra Kumar Singh, learned counsel for the BSFC, did not raise any objection on the aforesaid proposal made by the petitioner.

Considering the facts aforesaid, the above named petitioner, in the event of her 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 Chief Judicial Magistrate, Bhojpur at Ara in Udwantnagar P.S. Case No. 103/2015, 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. 1,54,51,097.36 lying due against her within seven months from the date of receipt of this order. In the event, the petitioner fails to deposit the aforesaid amount within the stipulated period, her bail bonds shall be cancelled.

(Prabhat Kumar Jha, J)

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