

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32985 of 2015

Arising Out of PS.Case No. -87 Year- 2015 Thana -SHEOHAR District- SHEOHAR

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Smt. Shobha Devi W/o Raj Kumar Prasad @ Ram Babu Prasad, Resident of Village - Patnia, P.S. - Riga, District - Sitamarhi, proprietor of M/S Maha Kaleswar Rice Mill, Pataniya, Riga, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, B.S.F.C., Sheohar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari
For the Opposite Party/s : Mr. Nand Kishore Prasad (App)
For the BSFC: Mr. Shailendra Kumar Singh.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 31-07-2015 Heard both sides.

The petitioner apprehends her arrest in a case under Sections 406, 409 of the Indian Penal Code.

The petitioner lifted 15000 quintals of paddy from the Bihar State Food & Civil Supplies Corporation Limited for milling. The petitioner had to deliver 10050 quintals of rice but the petitioner delivered only 2700 quintals of rice. It is alleged that the petitioner did not deliver 7350 quintals of rice worth Rs. 1,59,16,866.00. Although the petitioner disputes the lifted quantity of paddy and its rate, he is ready to deposit 20% of the aforesaid amount of Rs. 1,59,16,866.00 within six months. 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 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, Sheohar in Sheohar P.S. Case No. 87/2015, 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. 1,59,16,866.00 due against him within six months from the date of his release. In the event, the petitioner fails to deposit the aforesaid amount, her bail bonds shall be cancelled.

Dilip/-

(Prabhat Kumar Jha, J)

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