

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29049 of 2015

Arising Out of PS.Case No. -14 Year- 2015 Thana -KUCHILA District- BHABHUA (KAIMUR)

Mukesh Kumar Rai @ Mukesh Kumar Son of Chandreshwar Rai, resident
of village- Kuchhila, P.S.- Kuchhila, in the District of Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food Corporation, Bihar, Patna

.... Opposite Party/s

Appearance:

For the Petitioner/s:	Mr. Akhileshwar Pd. Singh, Sr. Advocate, Mr. Prabhu Narayan Sharma, Mr. Abhishek Anand and Mrs. Anita Kumari Singh, Advocates.
For the State:	Mr. Rajendra Pd. Nat, A.P.P.
For the BSFC:	Mr. Ram Shankar Pradhan, Sr. Advocate.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 24-07-2015 Heard both sides.

The petitioner apprehends his arrest in a case under
Sections 406, 409, 420 of the Indian Penal Code.

The petitioner lifted 11028 quintals of paddy from
the Bihar State Food & Civil Supplies Corporation Limited for
milling. The petitioner delivered only 810 quintals of (CMR) rice.
It is alleged that the petitioner did not deliver 6578.76 quintals of
CMR (rice) worth Rs. 1,42,76,699.51, but according to the
petitioner, the petitioner, in fact, lifted 4400 quintals of paddy and
he had to deliver 948 quintals of CMR (rice); out of which, he had
already delivered 810 quintals of rice. The petitioner also filed a
petition before the Managing Director of the Bihar State Food &
Civil Supplies Corporation on 07.09.2014 stating that he had lifted

4400 quintals of paddy. According to the petitioner, rupees 40 lakhs is lying due against the petitioner. The petitioner is ready to deposit 30% of the aforesaid amount within six months, subject to rendition of accounts.

Sri Ram Shankar Pradhan, learned Senior Counsel for the B.S.F.C., did not object to the proposal of the petitioner and submits 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 Chief Judicial Magistrate, Bhabhua in Kuchhila P.S. Case No. 14/2015, 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 30% of the aforesaid amount of rupees 40 lakhs within six months from the date of his release. In the event, the petitioner fails to deposit aforesaid amount, his bail bonds shall be cancelled.

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(Prabhat Kumar Jha, J)