

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32377 of 2015

Arising Out of PS.Case No. -91 Year- 2015 Thana -DUMRA District- SITAMARHI

=====

Rajeev Kumar @ Rajiv Kumar, S/o Sri Vijay Kumar Gupta, Resident of
Village-Cheriya Bariarpur, P.O. Shripur, P.S.-Cheriya Bariarpur, District
Begusarai.

.... Petitioner/s

Versus

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

.... Opposite Party/s

=====

Appearance :

For the Petitioner	:	Mr. Nikhil Kumar Agrawal, Advocate Mr. Santosh Kumar Mishra, Advocate
For the S t a t e	:	Mr. Pradeep Nr.Kumar(APP)
For the BSFC	:	Mr. A.N. Rai, Advocate

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 19-08-2015 A supplementary affidavit has been filed on behalf of

the petitioner today in Court.

Heard learned counsel for the petitioner and the

learned counsel for the B.S.F.C. as well as the learned counsel

for the State.

The petitioner is apprehending his arrest in

connection with Dumra P.S. Case No.91 of 2015 for allegedly

having committed the offences under Sections 406, 409 and

420/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the

petitioner is alleged to have defalcated an amount of



Rs.2,64,53,723.00. In connection with the aforementioned demand made by the BSFC, the petitioner submits that the said demand and allegation is wholly farfetched as though the petitioner had undertaken to give CMR in proportion to the paddy given to him, the petitioner as on date has already pledged properties to the tune of over Rs.85,00,000/- and also submitted Bank guarantee of Rs.2,00,000/-. Learned counsel for the petitioner further submits that a sum of Rs.91,00,000/- is also due to him from the Corporation in view of the fact that the petitioner was appointed as a Transporting-cum-Handling Agent and for the work done by the petitioner for the Bihar State Food and Civil Supplies Corporation, he is to receive a payment of Rs.91,75,165/-, for which he has made several demands from the Corporation and also has not received the same.

Learned counsel for the BSFC, however, submits that so far as the demand of Rs.91,00,000/- by the petitioner is concerned, he is not sure.

However, in view of the fact that the petitioner has already pledged properties and secured the transaction with a further Bank guarantee and is also facing PDR proceedings, bearing Certificate Case No.7 of 2014-15, pending before the

Certificate Officer, Sitamarhi, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released 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, Sitamarhi, in connection with Dumra P.S. Case No.91 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

PNM

U		T	
---	--	---	--