

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.30484 of 2015**

Arising Out of PS.Case No. -88 Year- 2015 Thana -GOVINDGANJ District- EAST CHAMPARAN  
(MOTIHARI)

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Shashi Bhushan, son of Binda Prasad, R/o Village – Chatiya, P.S. Malahi,  
Distt. East Champaran, Proprietor of M/S Manu Traders & Rice Mill of  
Village Chatiya, P.S. Malahi, Distt. East Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The Managing Director, Bihar State Food Corpo.

.... .... Opposite Party/s

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**Appearance:**

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate.

For the Opposite Party/s : Mr. S.N Shukla, A.P.P.

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

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      28-07-2015      Heard both sides.

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

The petitioner lifted 8000 quintals of paddy from the  
Bihar State Food & Civil Supplies Corporation Limited for  
milling. The petitioner had to deliver 5360 quintals of CMR (rice)  
but he delivered only 810 quintals of CMR (rice). It is alleged that  
the petitioner did not deliver 4550 quintals of CMR (rice) worth  
Rs. 1,12,77,448/-. It is submitted that the Certificate Officer also  
directed the petitioner to deposit Rs. 18,97,038/- but thereafter this

F.I.R. was lodged and, therefore, the petitioner could not deposit that amount. The petitioner is ready to deposit 20% of the aforesaid amount of Rs. 1,12,77,448/- including the amount as directed by the Certificate Officer within six months in three equal installments.

Sri Awadhesh Kumar, learned counsel for the B.S.F.C., did not raise 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 Chief Judicial Magistrate, Motihari, East Champaran in Govindganj (Malahi) P.S. Case No. 88/2015, 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. 1,12,77,448/- including the amount as directed by the Certificate Officer within six months from the date

of his release in three equal installments in the account of the BSFC. In the event, the petitioner fails to deposit aforesaid amount, his bail bonds shall be cancelled.

**(Prabhat Kumar Jha, J)**

Dilip/-

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