

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43286 of 2014

Arising Out of PS.Case No. -103 Year- 2013 Thana -BUXAR INDUSTRIAL District- BUXAR

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Jitender Singh S/o Sri Kapildeo Singh Resident of Village-Chotki Kothia
(Upadhyapur), P.S.-Buxar (Industrial) District-Buxar.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prabhat Kumar Singh

For the Opposite Party : Mr. B.M.P.Sinha(APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 20-03-2015 Heard learned counsel for the petitioner as well as

learned counsel for the State.

In this application for anticipatory bail the petitioner apprehends his arrest for the offences punishable under sections 406, 420 and 409 of the I.P.C.

Allegedly, 8500 quintals of paddy was supplied to the rice mill of the petitioner and he was to deliver 5695 quintals of rice to the F.C.I. but he supplied only 3983.90 quintals and in spite of reminder he did not supply the rest quantity. The value of the said rice is Rs. 32,56,444=22 paisa and during recovery the petitioner deposited only Rs. 1,00,000/- and the remaining amount is still due.

Submission is that this is a matter of calculation.

Milling charge was also due. The petitioner has received only 6988 quintals of paddy for which he has already supplied 4688.66 quintals rice. The account given in the FIR is not correct. The petitioner has raised objection before the informant with a copy to the District Magistrate, Buxar and the S.D.O. Buxar. Certificate case has also been filed and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that the dispute is purely of calculation and as such the petitioner in case of his arrest or surrender within two months from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. C.J.M. Buxar in Buxar (Ind.) P.S. Case No. 103 of 2013, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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