

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11987 of 2013

Arising Out of PS.Case No. -176 Year- 2012 Thana -THAWE District- -

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1. Vibha Jha W/O Anukul Chandra Thakur R/O Village- Pithori, P.S.-
Thawe, District- Gopalganj

2. Anukul Chandra Thakur S/O Late Ram Krishna Thakur R/O Village-
Pithori, P.S.- Thawe, District- Gopalganj

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kuma Pandey

For the Opposite Party/s : Mr. Ram Shankar Pradhan, Sr.Adv.
Mr.Amrendra Narayan Rai

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

12 13-02-2015

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 409, 417 and 420/34 of the Indian Penal Code and Section 27 of Arms Act.

It is alleged that Bihar State Food Corporation, Gopalganj supplied paddy to the petitioners' rice mill (Swati Rice Mill) with stipulation to supply processed rice but the rice were not supplied to the tune of Rs. 1,32,53,203.57.

It is submitted by the learned counsel for the petitioners that the truck challans, which have been brought on record as annexures to FIR do not bear the signature of the petitioners suggesting that no paddy was supplied to the petitioners. This fact has not been controverted by Mr. Pradhan, learned Senior Counsel for State Food Corporation but he submits that the Store Issue Orders, which were brought on record through counter affidavit not only reflects the signature of the petitioners but also suggest

that paddy was supplied to the petitioners.

In reply, learned counsel for the petitioners submits that the signature of the petitioners on Store Issue Order does not necessarily suggest of the alleged supply of paddy mentioned in the FIR. Moreover, Certificate Proceeding No. 67 of 2012-13 was also initiated for recovery of alleged amount, which has been challenged in CWJC No. 3095 of 2013. A Coordinate Bench of this Court vide order dated 27.02.2013 has stayed further proceeding of certificate case. The order of this court has been brought on record, vide Annexure 5 which stipulates that pendency of writ application will not come in the way of the parties in sitting across and get the calculation checked. Learned counsel for the petitioners further submitted that the writ petition is still pending.

Keeping in view the aforesaid facts, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Gopalganj, in Thawe P.S.Case No. 176/2012, subject to the conditions as laid down u/s 438(2) Cr.P.C .

(Dinesh Kumar Singh, J)

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