

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43873 of 2015

Arising Out of PS.Case No. -52 Year- 2015 Thana -NASRIGANJ District- SASARAM (ROHTAS)

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1. Arvind Kumar S/o Shri Shobha Nath Sah, Proprietor of M/s Maa Parvati Mine Rice Mills, Bardhia, Nasriganj, R/o Village - Bardhia, P.S. - Nasriganj, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation, Rohtas at Sasaram, Bihar at Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Parmanand Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 15-10-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends arrest in a case registered for the offences punishable under sections 419, 420 and 406 of the Indian Penal Code.

The petitioner being the mill owner had lifted 9000 quintals of paddy and in lieu thereof he had to return to the B.S.F.C. 6030 quintals of rice, but the petitioners supplied only 5130 quintal of rice. The petitioner is yet to supply 900 quintals of rice. Bihar State Food Corporation has filed the instant case for refund of the entire value of un-supplied milled rice which comes

to the tune of Rs.17,12,817/-.

The petitioner submits that he is willing to supply the balance milled rice to which the B.S.F.C. is not agreeable in view of the guidelines of the Central Government. Petitioner further submits that a certificate case to this effect has also been initiated against him. He further submits that the B.S.F.C. did not come to receive the balance milled rice.

Having heard the parties, for the purposes of bail, the petitioner would deposit rupees two lacs in court in three equal instalments; the first instalment must be deposited within a month from today, the second instalment will be deposited within further period of five weeks and the third instalment must be deposited within further period of six weeks, to the satisfaction of the court below concerned which will be subject to result of the criminal case. The petitioner would co-operate in criminal case and would not take unnecessary adjournments. It will be open for the petitioner to refund the remaining value of the rice during the pendency of the criminal case.

Considering the aforesaid facts and circumstances of the case, the above named petitioner, in the event of arrest or surrender of the petitioner in the court below within four weeks from the date of receipt/production of a copy of this

order, shall be enlarged on bail on furnishing bail bond of Rs.5,000/- (Five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bikramganj, Rohtas in connection with Nasariganj P.S. Case No. 52 of 2015 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

It is made clear that if the petitioner fails to deposit any of the three instalments, as mentioned above, the court below may reject the privilege of anticipatory bail granted to the petitioner and cancel the bail bonds.

(Samarendra Pratap Singh, J)

Amin/-

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