

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40957 of 2015

Arising Out of PS.Case No. -35 Year- 2015 Thana -JAMHORA District- AURANGABAD

1. Sanjay Kumar S/o Sri Raghunandan Mehta Resident of Village Raja Bigha, P.O. Padrawan, P.S. Jamhore, District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Food & Civil Supplies Corporation Limited, Aurangabad through District Manager.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarendra Kumar Singh
For the Opposite Party/s : Mr. Abhay Kumar Roy (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-09-2015 Heard learned counsel for the petitioner, learned counsel for the opposite party No.2 (Bihar State Food & Civil Supplies Corporation Ltd. through its Manager) and learned A.P.P. for the State.

The petitioner apprehends arrest in connection with Jamhore P.S.Case No. 35/2015 for the offences under Sections 420, 406, 409 of the Indian Penal Code.

The prosecution case is that as per F.I.R. petitioner being the proprietor of Mrs. Sayee Industries Rice Mill, Raja Bigha, Jamhore, Aurangabad entered into an agreement with the SFC to supply the rice after milling the paddy received from the SFC by 31.12.2013 but he has not supplied 4630.70 quintal of

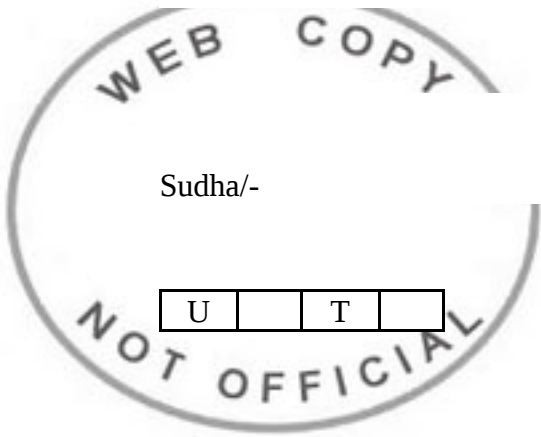
rice out of 6911.45 after milling and has not supplied rice 1390.70 quintal and misappropriated the same and committed criminal breach of trust putting loss to the SFC to the tune of Rs. 30,11,583/-. It appears that there is dues against the petitioner to the tune of Rs. 30, 11,583/- due to non-supply of milled rice to the SFC after receiving the paddy as per agreement with the SFC.

It is submitted by the leaned counsel for the petitioner that the F.I.R. has been lodged against the petitioner in undue haste and as per clause 10 of the agreement between the parties, the petitioner was required to mill the paddy which would be subsequently lifted by the opposite Party No. 2 from the godown.

It has further been submitted that the Certificate case is already pending before the Certificate Officer, Aurangabad for realization of the dues payable by the petitioner.

Considering the facts and circumstances, on deposit of 20 % of alleged due amount, in case of arrest or surrender within a period of three months from today, the above named petitioner will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand only)each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Aurangabad in connection with Jamhore P.S.Case No. 35/2015, subject to the conditions as laid down under Section

438 (2) of the Code of Criminal Procedure .



Sudha/-

(Nilu Agrawal, J)