

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43866 of 2015

Arising Out of PS.Case No. -61 Year- 2015 Thana -CHENARI District- SASARAM (ROHTAS)

Sitaram Tiwary S/o Ram Nagina Tiwary Resident of village - Maura, P.S. Chenari, District - Rohtas

.... Petitioner

Versus

1. The State of Bihar
2. The District Manager, State Food Corporation, Rohtas, Sasaram

.... Opposite Party/s

with

Criminal Miscellaneous No.45906 of 2015

Arising Out of PS.Case No. -61 Year- 2015 Thana -CHENARI District- SASARAM (ROHTAS)

Ashok Kumar Singh S/o Sri Arjun Singh Proprietor of M/s Pankaj Mini Rice Mills, r/o village - Tekari, P.S. Chenari, District - Rohtas (Sasaram).

.... Petitioner

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

Appearance :

(In Cr.Misc. No.43866 of 2015)

For the Petitioner/s : Mr. Jai Prakash Singh, Adv.

For BSFC : Ms. Jyotsna Kumari

For the Opposite Party/s : Mr. Mustaque Alam(App)

(In Cr.Misc. No.45906 of 2015)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Binod Kumar -Iii(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

4 09-12-2015

Heard both sides.

The petitioners apprehend their arrest in Chenari P.S.

Case No. 61/2015, registered for the offences punishable under Sections 406, 409, 420 of the Indian Penal Code.

Petitioner Sitaram Tiwary is alleged to have lifted

4040 quintals paddy and he had to deliver 2706 quintals of rice, but he delivered only 1070 quintals of rice and he is alleged to have misappropriated 1638.80 quintals of rice, the price of which comes to Rs. 31,15,043.18.

Similarly, petitioner Ashok Kumar Singh is said to have lifted 7710.40 quintals of paddy and he had to deliver 5165.97 quintals of rice, but he delivered only 2683.55 quintals of rice and he is said to have misappropriated 2482.82 quintals of rice, the price of which comes to Rs. 47,25,129/-.

Learned counsel for the petitioners submits that SFC never paid any freight charge for transportation of paddy and rice to and fro of the godown. There is dispute with regard to lifting of rice from the rice mills. Petitioners are ready to deposit 20% of the alleged dues lying against the petitioners.

On such, learned counsel for the SFC did not object and submit that the proceeding for recovery of the dues amount is also pending.

Considering the facts aforesaid, the petitioners above named in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten

Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rohtas at Sasaram/Sri Ranjeet Kumar, Judicial Magistrate 1st Class, Rohtas (Sasaram) in connection with Chenari P.S. Case NO. 61/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

If the petitioners fail to deposit 20% of the respective alleged dues against the petitioners within four months from the date of receipt of this order, learned court below shall cancel the bail bond of the petitioners.

(Prabhat Kumar Jha, J.)

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