

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44420 of 2014

Arising Out of PS.Case No. -237 Year- 2013 Thana -DUMRAUN District- BUXAR

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HARI SAH @ HARI PRASAD SON OF SRI RAM EKBAL SAH R/O
VILLAGE PURANA BHOJPUR, P.S. DURAON IN THE DISTRICT OF
BUXAR

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Akhileshwar Pd. Singh, Sr. Adv.
Mr. Prabhu Narayan Sharma, Adv.
Mr. Bimal Kumar, Adv.

For B.S.F.C. : Mr. Ram Shankar Pradhan, Sr. Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 06-07-2015 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor as well as learned Senior Counsel
representing Bihar State Food and Civil Supplies Corporation
Ltd.

For the present, majority of spectrum of
adjudication by this Court is being occupied by the present
nature of dispute having in between millers at one side and
Bihar State Food and Civil Supplies Corporation Ltd., at other
side disputing each other claims and the amount so involved,
as is evident from order dated 17.04.2015 passed in LPA
No.1709 of 2014 along with others, have crossed more than
fifteen thousand crore and for that, rival parties have been
found to be at fault. So far present scenario is concerned, the
informant had alleged that against the supply of 12755.60
quintals of paddy given to the petitioner, rice appertaining to

8546.250 quintals was to be supplied by him but instead thereof, only 4173.53 quintals has been supplied while remaining 4372.73 has been digested by the petitioner.

Neither the annexure disclosed receipt of the aforesaid quantity nor during course of investigation, as the charge sheet had already been submitted, substantiated at the end of informant. Furthermore, it is also apparent that a certificate proceeding having initiated at the end of informant had already been quashed vide CWJC No.20357 of 2013 (Annexure-3) giving a liberty to the informant to proceed with, in case, so feels to realize the amount in accordance with law.

According, petitioner Hari Sah @ Hari Prasad is directed to 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 learned Chief Judicial Magistrate, Buxar in connection with Dumraon P.S. Case No.237 of 2013 in the event of his arrest / surrender within four weeks from receiving / production of the order in terms of condition so laid down under Section 438(2) Cr.P.C.

(Aditya Kumar Trivedi, J.)

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