

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.30915 of 2014**

Arising Out of PS.Case No. -301 Year- 2013 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Ravindra Singh Son of Late Dilshingar Singh Proprietor of Punjab Mini Rice Mill, Resident of village- Kurra, P.O.- Akori, P.S.- Mohania, District- Kaimur (Bhabhua).

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. The District Manager, Bihar State Food Corporation, District- Kaimur (Bhabhua).

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv  
For the O.P. No. 1 : Mr. A.Dayal (App)  
For the O.P. No. 2 : Mr. Shailendra Kr Singh, Adv

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL ORDER**

10 12.08.2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner is facing prosecution for the offences punishable under Sections-420 and 406 of the Indian Penal Code and that the petitioner has also got criminal antecedent, this Court would not be inclined to grant the privilege of anticipatory bail to the petitioner only on the ground that in the concerned period, the petitioner is said to be in custody.

Let it be noted that from the counter affidavit, it now becomes clear that the period of custody of the petitioner was from 02.09.2011 to 15.05.2012 and as

such it is impossible for the petitioner to execute an agreement on 10.12.2012, on behalf of the company.

The submission that the bank draft is only in the date of 14.12.2012, is neither here nor there, because such bank draft can be obtained and prepared by any person in the date of 14.02.2012 and that will not in any way raise a question mark on the correctness of the agreement dated 10.12.2012, which lays down the procedure for recovery of the dues by Corporation. Thus once, the amount was not deposited by the petitioner, Bihar State Food Corporation was fully entitled to lodge the criminal case against the petitioner.

That being so, the prayer for anticipatory bail of the petitioner cannot be allowed and it is, accordingly, rejected and consequently the interim order of stay of arrest dated 15.04.2015, passed by the court shall also stand vacated.

Let a copy of this order be also sent to the court below as also the Superintendent of Police, Bhabhua.

Ranjan/-

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**(Mihir Kumar Jha, J)**