

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43771 of 2015

Arising Out of PS.Case No. -120 Year- 2015 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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1. Harish Chandra Singh S/o Late Ram Bhajan Singh @ Late Ram Bihari Singh, Resident of Village - Noniapatti, Police Station - Bagaha (Bhairoganj), District - West Champaran. Petitioner

Versus

1. The State of Bihar.

2. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Path, R- Block, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Om Prakash, Advocate

For the Opposite Party/s : Mr. Ahmad Ali(App)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 16-10-2015 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in a case under section409 of the Indian Penal Code.

The petitioner is a Rice Miller. A total quantity of 12,777.600 quintals of rice was given to him for milling, who in turn after deducing the expenses was to supply 8560 quintals of milled rice. However, the petitioner supplied only 3504.817 quintals of milled rice.

The case of the informant is that as the petitioner has failed to return 5056 quintals of milled rice and as such he is liable to pay a sum of rs.1,09,49,450.33.



It appears that the learned Sessions Judge granted anticipatory bail to the petitioner on the condition that the petitioner would deposit 20% of the value of un-milled rice not supplied with a further condition that he will remain physically present on each and every date before the court below till framing of charge.

Learned counsel for the petitioner submits that the conditions imposed by the learned Sessions Judge is too harsh and prays for relaxation on the same.

This Court too is of the view that the conditions imposed are little bit harsh and as such the same is modified to the extent that the petitioner would deposit 20% of the recoverable amount within six months in place of one month from today. Further more, he would not absent himself for two consecutives dates at a stretch, till framing of charge.

With the aforesaid modifications in the order dated 12.5.2015 passed by the learned Sessions Judge, West Champaran, Bettiah passed in A.B.P. No.9336 of 2015, this application stands disposed of.

(Samarendra Pratap Singh, J)

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