

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31559 of 2015

Arising Out of PS.Case No. -60 Year- 2015 Thana -UDAKISHANGANJ District- MADHEPURA

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1. Janardan Yadav son of Bhuneshwari Yadav, resident of village- Gopalpur
(Chauk- Phajula) P.S.- Udakishunganj, District- Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies Corporation Limited,
Madhepura

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar-1

For the Opposite Party/s : Mr. Jyotsna Kumari(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 02-11-2015

Heard learned counsel for the petitioner and

learned counsel appearing on behalf of B.S.F.C.

The petitioner being Rice Mill Owner is
apprehending his arrest in a case registered under sections 406 and
420 of the Indian penal Code.

Learned counsel for the petitioner submits that
he has given substantial amount of rice in lieu of the paddy
purchased by him and for which a cheque was issued in his favour
but the petitioner could not en-cash the same because the same had
been declared dishonoured for the reasons best known to the
S.F.C.

Learned counsel for the petitioner submits that

he is also facing P.D.R. proceeding bearing P.D.R. Case No. 17 of 2014-15 which is also not maintainable. However, the petitioner states that as in the case of other similarly situated rice mill owner, the petitioner is ready to pay 20% of the alleged defalcated amount within a period of six months.

In view of the aforementioned bonafide offer made by the petitioner, which shall be subject to the decision of the present case, let the above named petitioner in the event of his 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 be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of S.D.J.M, Uda Kishunganj, subject to the conditions as laid down under section 438(2) Cr.P.C. It is made clear that if the petitioner fails to make payment of 20% of the defalcated amount within the stipulated period, it shall be open to the S.F.C to take appropriate steps in accordance with law for modification/cancellation of the order.

(Anjana Mishra, J)

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