

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.52168 of 2015**

Arising Out of PS.Case No. -224 Year- 2015 Thana -KHAGARIA District- KHAGARIA

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1. Binod Kumar S/o Ramdeo Singh, resident of Mohalla- Vidyadhar, P.S.-  
Khagaria, District- Khagaria

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. The District Manager, Bihar State Food and Civil Supplies Corporation  
Ltd., Khagaria

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

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**Appearance :**

For the Petitioner/s : Mr. Ranjeet Kumar Singh  
For the BSFC : Mr. Shailendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR**  
**MANDAL**  
**ORAL ORDER**

2 16-12-2015

Heard counsel for the petitioner and Mr. Shailendra

Kumar Singh for the Bihar state Food and Civil Supplies  
Corporation Limited ( for short 'the BSFC').

The petitioner is rice mill owner and is facing  
prosecution vide Khagaria P.S. case no. 224 of 2015, registered  
under sections 420 and 406 of the IPC.

Under an agreement, the petitioner was supplied  
2374 quintals of paddy. The petitioner was required to mill and  
supply custom milled rice (CMR). The petitioner, however, only  
supplied 270 quintals of CMR. In this way, it is alleged that  
1320. 60 quintals of CMR was misappropriated by the petitioner  
quantified at Rs. 28,59,838/-.

Contention of the petitioner is that apart from the  
criminal prosecution he has been proceeded against under the

Public Demand Recovery Act whereat petitioner has already appeared and filed show cause. Some property was mortgaged to the supplier. The petitioner would be ready and willing to deposit the part of the consideration money as directed by the Court. The petitioner is in custody since 11.10.2015. Several bail applications in the similar fact situation have been allowed in the aforesaid terms.

Mr. Singh, counsel for the BSFC, while opposing the bail application has not disputed the contention of the petitioner that several accused persons have been granted the privilege of bail/anticipatory bail on certain conditions.

Considering the facts and circumstances of the case, this Court is inclined to direct the Court below to release the petitioner provisionally on bail for a period of five months on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Khagaria in connection with Khagaria P.S. case no. 224 of 2015, G.R. No. 927/2015 subject to the following conditions condition:

- (i) Along with bail bonds, the petitioner shall produce receipt showing deposit of 10% of the defalcated amount as depicted in the FIR with the BSFC, Patna. Before expiry of the said

period of provisional bail, the petitioner shall approach the Court for confirmation of bail annexing receipt/documents showing deposit of another 10% of the defalcated amount as depicted in the FIR with BSFC, Patna whereafter the Court below shall confirm the bail.

- (ii) One of the bailors shall be the own/close family member of the petitioner.
- (iii) As soon as the charges are framed the petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

It is clarified that the aforesaid deposit(s) shall be without prejudice to his right and contention in the case or any other proceeding.

**(Kishore Kumar Mandal, J)**

Shyam/-

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