

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21114 of 2015

Arising Out of PS.Case No. -95 Year- 2015 Thana -ITADHI District- BUXAR

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Bharath Ojha S/o Ram Darash Ojha R/o Village - Chilbili, P.S. Itarhi,
District - Buxar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudha Chandra
For the Opposite Party/s : Mr. Dr. Ajit Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 01-07-2015 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Itarhi P.S. Case No. 95 of 2015 registered under Sections
403/406/420/421 and 424 of the Indian Penal Code.

The accusation is that petitioner, being the rice
miller, entered into an agreement with the State Food Corporation
and received 10256 quintals paddy to return 6871.52 quintals rice,
but the petitioner has returned only 6871.52 quintals rice and
misappropriated the remaining rice worth Rs. 9878907/-.

Learned counsel appearing on behalf of the
petitioner submits that in fact, it is the duty of the Bihar State Food
Corporation to collect the prepared rice, but due to rainy season,

the bags of rice were damaged and also the quality of the rice was reduced, as a result of which the Food Corporation has refused to take the rice. If there was any default committed by the party, recovery was to be made through certificate proceeding according to agreement. It is also submitted that Ashok Kumar Singh in similar case has been allowed anticipatory bail vide Cr. Misc. No. 23971 of 2015 on 22.05.2015 by a Bench of this Court.

Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M., Buxar in connection with Itahari P.S. Case No. 95 of 2015, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Rajendra Kumar Mishra, J.)

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