

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23932 of 2015

Arising Out of PS.Case No. -32 Year- 2015 Thana -GWALPARA District- MADHEPURA

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Shailesh Kumar Singh son of late Gauri Shankar Singh resident of Village
Bara Khokshi, Police Station- Gwalpara, District Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
Mr. Sanjeev Kumar Singh

For the State : Mr. Renuka Ratnakar.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

2 08-07-2015 Heard learned counsel for the petitioner, learned
for the State and Mr. Anil Kumar Singh, learned counsel
appearing on behalf of Bihar State Food and Civil Supply
Corporation Ltd.

The petitioner apprehends his arrest in connection
with Gwalpara P.S. Case No. 32 of 2015 registered under Sections
406 and 420 of the Indian Penal Code.

The accusation is that the petitioner, being the rice
miller, entered into an agreement with the Bihar State Food and
Civil Supply Corporation Ltd. After agreement, petitioner received
52516.91 quintals Paddy and in lieu thereof, he had to return
35186.33 quintals of rice but the petitioner returned only 5400
quintals rice and 29786.33 quintals rice worth Rs. 64504084/- was

misappropriate by the petitioner. Later on, Rs. 8500000/- was deposited by the petitioner. For recovery of the amount, Certificate Case No. 10 of 2014-2015 is filed.

Learned counsel for the petitioner submits that as per agreement against 43203 quintals paddy, only 33000 quintals paddy was supplied to petitioner but after milling, Corporation did not take interest to lift the same. Ultimately, petitioners sent 5400 quintal rice on his own transporting. Thereafter, petitioner approached to settle the issues and was ready to deposit rest amount but no action was taken on behalf of Corporation. Rs. 10975562/- is due against the Corporation in different heads which is to be adjusted. It is further submitted that regarding dispute, award has been passed in arbitration proceeding on 05.04.2015 and Misc. Case No. 13 of 2015 filed on behalf of petitioner is pending for disposal in the Court of Sub-Judge, Madhepura.

On the other hand, learned counsel appearing on behalf of Bihar State Food and Civil Supply Corporation opposed the prayer of bail of petitioner but conceded that the award has been passed in arbitration proceeding and the miscellaneous case filed by the petitioner is pending in the Court of Sub-Judge, Madhepura against the award.

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., Madhepura in connection with Gwalpara P.S. Case No. 32 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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