

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25635 of 2015

Arising Out of PS.Case No. -91 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

Vinod Kumar Singh S/o Baban Singh @ Babban Singh, resident of Village-Sariyaon, P.S.- Kudra, District- Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Pramod Kumar Pathak, S/o Late Uday Chandra Pathak, District Manager, Bihar State Food & Civil Supplies Corporation Ltd., Kaimur (Bhabua).

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate.
For the Opposite Party/s : Mr. Abhay Kr. Roy, A.P.P.
For the SFC: Mr. R.S. Pradhan, Sr. Advocate.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 10-07-2015 Heard both sides.

The petitioner apprehends his arrest in a case under Sections 409 & 420 of the Indian Penal Code.

The petitioner lifted 7870 quintals of paddy from the Bihar State Food & Civil Supplies Corporation Limited. As per the agreement, after processing the paddy, the petitioner had to deliver 67% of the total paddy in the form of CMR (rice) within one month but the petitioner did not deliver CMR (rice) within time. It is alleged that the petitioner did not deliver 4466.95 quintals of CMR (rice) worth Rs. 96,73,448.25. Sri Krishna Prasad Singh, learned Senior Counsel for the petitioner, submits that the petitioner had actually lifted 6700 quintals of paddy and the



petitioner many times requested the BSFC to lift the required CMR (rice), but the BSFC did not lift the rice. The petitioner has now been fastened with the liability of depositing 4466.95 quintals of CMR (rice) worth Rs. 96,73,448.25. It is submitted that it is a case of breach of trust and no criminal liability is made out. A certificate proceeding is also going on. Some of the Benches of this Court have granted anticipatory bail to similarly situated accused persons without any direction to the mill-owners to pay any farthing.

Considering the facts aforesaid that admittedly the petitioner did not deliver CMR rice worth Rs. 96,73,448.25 and the certificate proceeding is also going on, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in Kudra P.S. Case No. 91/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with a further condition that the petitioner shall deposit 20% of the remaining amount lying due against him within six months from

the date of his release. In the event, the petitioner fails to deposit 20% of the remaining amount, as aforesaid, his bail bonds shall be cancelled.

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(Prabhat Kumar Jha, J)