

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25656 of 2015

Arising Out of PS.Case No. -66 Year- 2015 Thana -CHAURADANO District- EAST
CHAMPARAN (MOTIHARI)

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Ram Babu Prasad Son of Late Mangal Prasad resident of Village Ekdari,
Chhauradano, P.S.- Chhauradano, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Managing Director, Bihar State Food and Civil Supply Corporation,
Patna.
3. District Manager, Bihar State Food and Civil Supply Corporation,
District - Motihari.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Avinash Kumar, Advocate.
For the Opposite Party/s : Mr. R.S. Choudhary, APP.
For the SFC: Mr. R.S. Pradhan, Sr. Advocate.

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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 38241.20 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. The petitioner deposited only 21,600 quintals of CMR (rice).
It is alleged that the petitioner did not deliver 4021.6040 quintals
of CMR (rice) worth Rs. 87,09.024.76. Sri Krishna Prasad Singh,



learned Senior Counsel for the petitioner, submits that the petitioner has already deposited Rs. 21,600 quintals of CMR (rice) and the petitioner has now to deposit 4021.6040 quintals of CMR (rice) worth Rs. 87,09,024.76. 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. 87,09,024.76 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 Sri S.K. Srivastava, Judicial Magistrate, 1st Class, Raxaul at Motihari in Chhauradano P.S. Case No. 66/2015, 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)