

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25809 of 2015

Arising Out of PS.Case No. -32 Year- 2014 Thana -MADHUBANI TOWN District- MADHUBANI
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Anil Kumar, son of Late Krishna Singh, resident of Village- Bishunpura,
P.S. - Bihra, District- Patna, Proprietor of M/S Sri Rice Mill, Bishunpura,
Bihta, Patna. Petitioner/s

Versus

1. The State of Bihar
2. Madan Kumar, District Manager, BSFC, Son of Shambu Rai, P.S.
Bhagwanpur, District- Vaishali. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Advocate
For the Opposite Party/s : Mr. Dasrath Mehta (App)
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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

2 04-06-2015 The petitioner seeks anticipatory bail in Madhubani
Town P.S. Case No.32 of 2014 under sections 420, 406, 409, of
the Indian Penal Code. The petitioner is the mill-owner.

As per the prosecution, the petitioner, a miller entered
into an agreement with the State Food Corporation for supplying
the C.M.R. (custom milled rice) in lieu of the paddy supplied to
the Mill.

The petitioner submits that the milled rice is in
readiness in the Mill and he is willing to supply the same to the
State Food Corporation. It is further submitted that the milled rice
could not be supplied to them, as the Corporation had not provided
the carrier for carrying the same, as stipulated in the agreement.
Besides this, substantial property is also mortgaged with the
respondents.

It appears that the cases of similar mill owners came for consideration before this Court in Cr. Misc. No. 43286 of 2014, Cr. Misc .No. 24606 of 2015 and in other cases. This Court after hearing the parties and also taking into consideration the nature of the allegations, has been pleased to enlarge the petitioners of those cases on anticipatory bail.

The learned counsel for the State Food Corporation submits that in one case while granting anticipatory bail, this Court directed the mill owner to deposit 20 % of the amount of the price of paddy not supplied.

Having regard to the facts and circumstances of the case, I direct that in the event of surrender within four weeks from today before Chief Judicial Magistrate, Madhubani, the petitioner shall be released on bail on furnishing bail bond of Rs.5,000/-(five thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhubani in connection with Madhubani Town P.S. Case No. 32 of 2014, with a further condition that the petitioner shall deposit a sum of Rs.50,000/- (fifty thousand) in the court below, which would be subject to the result of the criminal case, and subject to supply of agreed milled rice.

B.Roy/-

(Samarendra Pratap Singh, J.)

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