

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28260 of 2015

Arising Out of PS.Case No. -204 Year- 2015 Thana -BHABHUA District- BHABHUA (KAIMUR)

1. Ganesh Sah Son of Late Jhuri Sah Proprietor of Maa Mundeshwari Milling, Bhabua Resident of Village Bhabua, Ward No. 18, P.S. Bhabua, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar.
2. District Manager, B.S.F.C. Distt. - Kaimur at Bhabua.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Opposite Party/s : Mr. Rajiv Nayan(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-07-2015

Heard learned counsel for the petitioner and learned Counsel for the Bihar State Food & Supplies Corporation Ltd. District Office, Kaimur.

The petitioner apprehends his arrest in connection with Bhabhua P.S.Case No. 204/2015 for offences punishable under Sections 420/409 of the I.P.C.

The allegation as has been made in the prosecution story is that paddy was given to the petitioner for milling rice by way of an agreement between Bihar State Food & Supplies Corporation Ltd, Kaimur at Bhabua and the petitioner out of which 67 % of the milled rice was not deposited against which dues of Rs. 92, 32,496.91/- was to be recovered against the petitioner.

The petitioner had moved earlier this Court in CWJC No. 9873/2014 in which this Court passed an order to deposit the

amount to the tune of Rs. 17, 00,000/-, out of which 50 % of the said amount was to be deposited within one week from the date of the order and rest 50% within four months but the said amount has not yet been deposited by the petitioner.

It has been stated by the petitioner that the certificate case is also pending against him for recovery of the aforesaid dues. It is further submitted that the petitioner has already deposited Rs. 8, 50,000/- and he is ready to deposit the remaining amount of Rs. 8, 50,000/- within a month.

Let the petitioner, Ganesh Sah, be released on anticipatory bail in the event of arrest or surrender before the learned Court below within 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 learned Chief Judicial Magistrate, Kaimur at Bhabhua in Bhabhua P. S. Case No. 204 of 2015, subject to the conditions as laid down under Section 438 (2) Cr. P. C. and on the undertaking being given by the petitioner to deposit Rs. 8,50,000/- within a period of four weeks from the date of receipt/production of a copy of this order.

(Nilu Agrawal, J)

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