

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26144 of 2015

Arising Out of PS. Case No. -82 Year- 2015 Thana -DAUDNAGAR District- AURANGABAD

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Mahendra Sharma, son of Late Raghuwansh Sharma, resident of Village Orai, P.S. Daudnagar, District Aurangabad, Proprietor of M/s Sharma Rice Mill, Orai, Daudnagar, Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Khalid Anwar, son of Syed Md. Faruque, resident of village Shimla, P.S.- Kasma, District Aurangabad, presently Block Extension Officer-cum-Incharge of Paddy Purchase Centre, Daudnagar, Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Roy (App)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

2 04-06-2015 The petitioner seeks anticipatory bail in Daudnagar P.S. Case No. 82 of 2015 under sections 409 and 420/34 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 Sub-Divisional Judicial Magistrate, Daudnagar, 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 Sub-Divisional Judicial Magistrate, Daudnagar in connection with Daudnagar P.S. Case No. 82 of 2015, 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/-

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(Samarendra Pratap Singh, J.)