

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.27835 of 2015**

Arising Out of PS.Case No. -40 Year- 2015 Thana -MEHANDIA District- JEHANABAD

Rakesh Kumar S/o Late Narendra Prasad Singh Resident of village -  
Konikuti, P.S. Mehandia, District - Arwal

.... .... Petitioner

Versus

1. The State of Bihar
2. The District Manager, B.S.F.C. Ltd. Jehanabad

.... .... Opposite Party

**Appearance :**

For the Petitioner : Mr. Akhileshwar Pd. Singh, Sr. Advocate.  
Mr. Manoj Kumar, Advocate.

For the Opposite Party : Mrs. Anuradha Singh(App)

For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

3 29-07-2015 Heard both sides.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

According to the B.S.F.C., the petitioner lifted 13982.00 quintals of paddy and the petitioner had to deliver 67% of the aforesaid amount of paddy out of which the petitioner delivered only 4860.00 quintals. The petitioner had to deliver 4507.00 quintals of rice the price of which comes to Rs. 97,62,215.00.

Shri Akhileshwar Pd. Singh the learned senior counsel submits that as per the paper annexed to the FIR the petitioner received only 8622.00 quintals of paddy as the same would appear

from 15, 17, 21 and 25 of the FIR. The petitioner has already deposited 4860.00 quintals of rice and the remaining rice comes to about 916.74 quintals, the price of which comes to Rs. 19, 85,255/- and the petitioner is ready to deposit the entire amount within one year in six equal installments.

Shri Shailendra Kumar Singh, learned counsel for the B.S.F.C. has withdrew my attention to page 14 of the FIR in which the amount of paddy lifted by the petitioner is duly mentioned with SIO number and according to which the same comes to 13982.50 quintals of paddy. Now the petitioner has to deliver 4574.00 quintals of rice as he has already delivered 4860.00 quintals of rice to the B.S.F.C.

It appears that due to inadvertence page 19 and 23 has wrongly been annexed to the FIR showing the delivery of paddy to another person for that the B.S.F.C. may file petition before the court who is in seisin of the case for making correction in the FIR and the same shall be realized under the PDR Act.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the 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 Judicial Magistrate 1<sup>st</sup> Class, Jehanabad in Mehandia P.S. Case No. 40 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and if the petitioner fails to deposit the entire amount which comes to Rs. 19, 85,255/- within one year in six equal installments the court below shall cancel the bail bond of the petitioner.

**(Prabhat Kumar Jha, J.)**

KKSINHA/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|