

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27026 of 2015

Arising Out of PS.Case No. -34 Year- 2015 Thana -UPHARA District- AURANGABAD

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Amod Kumar @ Pramod Kumar Son of Sri Satya Narayan Prasad Resident of village + P.O. + P.S. Uphara, District - Aurangabad, Proprietor of M/s Maa Sharda Arwa Rice Mill

.... Petitioner

Versus

1. The State of Bihar
2. The Bihar State Food & Civil Supplies Corporation, Bihar, Patna

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Chandra Bhushan Prasad(APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-07-2015 Heard Mr. Rama Kant Sharma, learned Sr.Counsel for the petitioner and Mr.Awadhesh Kumar, learned counsel for BSFC.

The petitioner, who is a miller, apprehends his arrest in a case under Section 409 and other sections of the Indian Penal Code.

The petitioner lifted 22312.40 quintals of paddy on 31.12.2013. He had to deliver 14949.30 quintals of rice but the petitioner delivered only 5130 quintals of rice and the remaining 9819.30 quintals he did not deliver and thereby the petitioner is said to have misappropriated worth Rs.2 crores and odd.

It is submitted that a certificate case is also going on. The petitioner did not breach any condition of the agreement pursuant to which he had lifted the paddy. The rice is still lying in the godown of the petitioner. The petitioner is also ready to deliver the entire rice. The petitioner is ready to deposit 20% of the total

amount lying due against the petitioner within eight months.

Learned counsel for the BSFC has no objection to the said prayer of the petitioner.

Considering the aforesaid facts, the petitioner, above named, in the event of his arrest or surrender in the court below within a period of four weeks from the date of receipt/production of this order, shall be released on bail in connection with Uphara P.S.Case No. 34 of 2015 on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Aurangabad, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If the petitioner fails to deposit 20% of the aforesaid amount within eight months, learned court below shall cancel the bail of the petitioner.

(Prabhat Kumar Jha, J)

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