

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30235 of 2015

Arising Out of PS.Case No. -94 Year- 2015 Thana -DUMRA District- SITAMARHI

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Jitendra Sharma, son of Awadh Kishore Sharma, Proprietor of M/S Jitendra Rice Mill, Raxaul, resident of Village- Laxmipur, P.S. – Raxaul, District- East Champaran

.... Petitioner

Versus

1. The State of Bihar
2. District Manager, Bihar State Civil Supply Food Corporation Ltd.
District- Sitamarhi

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 05-08-2015 Heard learned counsel for the petitioner, Mr. Shailendra Kumar Singh, learned senior counsel appearing for the Bihar State Civil Supply Food Corporation and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Dumra P.S. Case No. 94 of 2015 registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a Rice Mill owner who entered into an agreement with the Bihar State Civil Supply Food Corporation, Sitamarhi. As per the agreement, the petitioner received 11,768.70 quintals of



paddy against which he was required to supply 7,885.03 quintals of rice to the F.C.I. It is submitted that in pursuance of the said agreement the petitioner deposited rice to the tune of 2160 quintals and the rest 5,725.03 quintals could not be deposited for one reason or the other. It is submitted by the learned counsel for the petitioner that the petitioner had submitted a bank guarantee and in pursuance of the said pledge the State Food Corporation has already forfeited the same and Certificate Case being Certificate Case No. 24/2014-2015 is also pending before the District Certificate Officer, Sitamarhi. Learned counsel for the petitioner has also drawn the attention of this Court towards several orders passed by various benches of this Court extending the benefit of anticipatory bail.

Considering that the bank guarantee of the petitioner has already been forfeited and a certificate case is pending, let the above named petitioner, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released 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 Chief Judicial Magistrate, Sitamarhi in connection with
Dumra P.S. Case No. 94 of 2015, subject to the conditions as laid
down under Section 438(2) Cr.P.C.

(Anjana Mishra, J.)

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