

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41959 of 2015

Arising Out of PS.Case No. -246 Year- 2015 Thana -NAWADA District- NAWADA

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1. Dhiraj Kumar Son of Nathuni Prasad Proprietor of M/s Maa Laxmi Rice Mill (BIADA) Nawada Hasua Road, Nawada, P.S. + District - Nawada

2. Shankar Kumar Son of Vishwanath Pd. Sah

3. Prakash Kumar Son of Noonu Chand Sah Both Proprietor of M/s Bhagwati Rice Mill (BIADA) Nawada, Hasua Road, Nawada, P.S. + Dist. - Nawada. At present all are R/o Naya Bazar Lakhisarai, P.S. + Dist. - Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

2. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Mr. Umeshnand Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-10-2015 Heard learned counsels for the petitioner and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code.

The prosecution case is that petitioner no.1 is the proprietor of M/s Maa Laxmi Rice Mill whereas petitioner nos. 2 and 3 are proprietors of M/s Bhagwati Rice Mill. Under an agreement, during the agriculture year 2012-13, petitioner no.1 was supplied 21074.05 quintals of paddy by the Nawada unit of



the Bihar State Food and Civil Supplies Corporation Ltd., in lieu thereof the petitioner no.1 was supposed to supply 14119.60 quintals of custom milled rice and he supplied only 2970 quintals of custom milled rice but failed to supply 11149.61 quintals of processed rice worth ₹2,41,45,149.44/- whereas petitioner nos.2 and 3 were supplied 14876 quintals of paddy by the Nawada unit of The Bihar State Food and Civil Supplies Corporation Ltd., in lieu thereof they were supposed to supply 9966.92 quintals of custom milled rice and he supplied only 2970 quintals of custom milled rice but failed to supply 6996.92 quintals of processed rice worth ₹1,51,52,250.08/-.

It is submitted by learned counsel for the petitioners that the petitioner no.1 claims to have already deposited ₹1,72,00,000/- whereas petitioner nos. 2 and 3 claim to have deposited ₹1,02,00,000/-. Moreover, Certificate case Nos.14 of 2014-15 and 08 of 2014-15 have already been initiated for recovery of the balance due amount.

This contention of learned counsel for the petitioner is not being controverted by Mrs. Jyotsna Kumari, learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd.

Considering the fact that major part of the due

amount has already been deposited, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nawada in connection with, Nawada P.S. Case No. 246 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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