

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.51765 of 2015**

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1. Suryajeet Kumar Singh, Son of Ram Singhashan Singh, Resident of Village- Bihta Englishpur, P.S. Imadpur, District- Bhojpur at Present residing at Sankatmochan Rice Mill, Mahabirganj, P.S. Chauri, District- Bhojpur.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food Corporation, Bhojpur, Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rama Kant Singh

For the Opposite Party/s : Mr. Ram Bachan Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR**  
**MANDAL**  
**ORAL ORDER**

2      15-12-2015                      Heard both sides.

The petitioner is rice mill owner. He is facing accusations under Sections 406, 409 and 420 of the IPC and Section 7 of the Essential Commodity Act vide Chouri P.S. case no. 21 of 2015.

In nutshell, the allegation is that 6000/- quintals of paddy was supplied to the petitioner for milling and supply of custom milled rice (CMR). The custom milled rice at the rate of 67% of the paddy was to be made available by the petitioner to the Food Corporation of India. The petitioner did not do that. Allegation is that he misappropriated the paddy/rice to the tune of Rs. 87 lacs and odd.



Contention of the petitioner is that a certificate proceeding in the light of the agreement reached between the parties is pending. In fact, no paddy was supplied. The petitioner is in custody since 14.09.2015. The petitioner would be willing to deposit part of the alleged misappropriated amount without prejudice to his right and contention in the pending proceeding(s). Several anticipatory bail applications in the similar fact situation have been allowed in the aforesaid terms.

Considering the facts and circumstances of the case, this Court is inclined to direct the Court below to release the petitioner provisionally on bail for a period of four months on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Bhojpur at Ara in connection with Chouri P.S. case no. 21 of 2015, subject to the following conditions condition:

- (i) Along with bail bonds, the petitioner shall produce receipt showing deposit of 10% of the defalcated amount as depicted in the FIR with the Bihar State Food and Civil Supplies Corporation. Before expiry of the said period of provisional bail, the petitioner shall deposit another instalment in the shape of 10% of the

defalcated amount as depicted in the FIR and pray before the Court for confirmation of bail. If the 2<sup>nd</sup> instalment of 10% of the defalcated amount is deposited and receipt is produced before the Court in seisin of the matter the provision bail of the petitioner shall be confirmed.

- (ii) One of the bailors shall be the own/close family member of the petitioner.
- (iii) As soon as the charges are framed the petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

It is clarified that the aforesaid deposit(s) shall be without prejudice to his right and contention in the case or any other proceeding.

**(Kishore Kumar Mandal, J)**

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