

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23510 of 2015

Arising Out of PS.Case No. -70 Year- 2015 Thana -BUXAR INDUSTRIAL District- BUXAR

Rajiv Kumar, S/o Sri Kamla Kant Pathak, R/o Malviya Nagar, Dhobighat Buxer, P.S. Buxer Town, District Buxer, Bihar, proprietor M/s Nav Durga Modern Rice Mill, Ahirauli, Buxar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Surendra Singh, Advocate.

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

For the Opposite Party : Mrs. Indu Kumari Srivastava (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-07-2015 Heard both sides.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420 and other Sections of the Indian Penal Code.

The petitioner lifted 13,500 quintals of paddy, after milling the petitioner had to deliver 9,045 quintal of CMR, but he delivered only 2454.97 quintals of the CMR and remaining rice amounting to Rs. 1,25,41,688/- is misappropriated.

Learned counsel for the petitioner submits that the paddy was given to the petitioner in pursuance of an agreement between the S.F.C. and the petitioner. There are certain terms and conditions for transportation and delivery of rice. It is further

submitted that the S.F.C. never provided any transportation for the delivery of rice.

On the other hand, learned counsel for the S.F.C. submitted that the petitioner did not ever submit any transportation bill and one pretext or other after milling the paddy, the petitioner did not deliver rice worth Rs. 1,25,41,688/-.

Learned counsel for the petitioner further submits that the petitioner is ready to deposit 20 per cent of the aforesaid amount within eight months from the date of receipt of this order and the S.F.C. has also filed a Certificate Case for realization of the amount and the petitioner is ready to deposit rest of the amount subject to the settlement of the amount.

Considering the facts aforesaid and the fact that the petitioner shall deposit 20 per cent of the entire amount within eight months from the date of receipt of this order, 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 Chief Judicial Magistrate, Buxar in Buxar (Industrial Area) P.S. Case No. 70 of 2015, subject to the

conditions as laid down under Section 438(2) of the Cr.P.C. If the petitioner fails to deposit 20 per cent of the total amount within eight months from the date of this order, the learned court below shall cancel the bail bonds of the petitioner.

(Prabhat Kumar Jha, J.)

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