

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24059 of 2015

Arising Out of PS.Case No. -81 Year- 2015 Thana -ARWAL District- JEHANABAD

Sanjay Kumar S/o Late Sakal Deo Singh Resident of village - Arwal Sipah,
P.S. Arwal, District - Arwal

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Kumar Singh, Advocate.

For the Opposite Party : Mr. Pramod Kr.Panday(App)

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

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 420 and 407 of the Indian Penal Code and under Section 7 of the Essential Commodities Act.

The petitioner lifted 111151.60 quintals of paddy in the year 2013-14 and he had to deliver 74471.57 quintals of rice, but the petitioner has delivered only 61020.00 quintals of CMR and thereby the petitioner is alleged to have misappropriated Rs. 3,33,40,528/-.

It is submitted that the petitioner received paddy for milling in pursuance of an agreement. The petitioner did not violate any terms of the agreement. Still the rice is lying in the



godown of the petitioner. The Collector vide Annexure-4 at page 26 of the bail petition as contained in Letter No. 163 dated 09.04.2015, inspected the godwon of the petitioner and found some bundles of rice which is discoloured. A Certificate Case is also going on. In the similar circumstances, this Court in different cases granted anticipatory bail without directing the mill owners to pay any amount.

On the other hand, learned counsel for the B.S.F.C. has submitted that the paddy was delivered to the petitioner for milling in the year 2013-14 and by 31st March, 2014, the petitioner had to deliver the entire rice, but the petitioner did not deliver even a k.g. of rice. It is submitted that in a writ petition this Court has already ordered to sale the rice in the market even the D.S.O. (Annexure-4) reported about only 240 quintals of rice lying in the godown of the petitioner, although the petitioner had to deposit 61020.00 quintals of CMR.

Mr. Rajesh Kumar Singh, learned counsel for the petitioner further submits that Certificate Case is going on and the petitioner is willing to deposit the 20 per cent of the total amount within nine months and rest of the amount shall be settled in the Certificate Case proceedings.

Considering the facts aforesaid, the petitioner shall

deposit 20 per cent of the entire amount within nine months from the date of receipt of this order and for the rest amount the petitioner and the authority of the B.S.F.C. shall resolve the disputes through proper means within six months thereafter, but the petitioner above named, in the event of his arrest or surrender before the court below within a period of one month 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, Jehanabad in Arwal P.S. Case No. 81 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 nine 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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