

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21034 of 2015

Arising Out of PS.Case No. -116 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Manoj Prasad Keshri @ Manoj Prasad Keshari Son of Sri Ghura Prasad Keshri, Resident of Village - Stuarganj, P.S. - Mohania, District - Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Sumeet Kumar Singh, Adv.
For the BSFC : Mr. Shailendra Kumar Singh, Adv.
For the State : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-05-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

It is alleged that the petitioner being the rice miller received 8000 quintals of paddy from Bihar State Food Corporation when he was supposed to supply 5360 quintals of processed rice by 31st of December, 2014 but the petitioner could not supply the same thereby misappropriated processed rice worth ₹01,26,15,870/-.

It is submitted by learned counsel for the petitioner that as per the agreement, never any notice was issued to the petitioner.



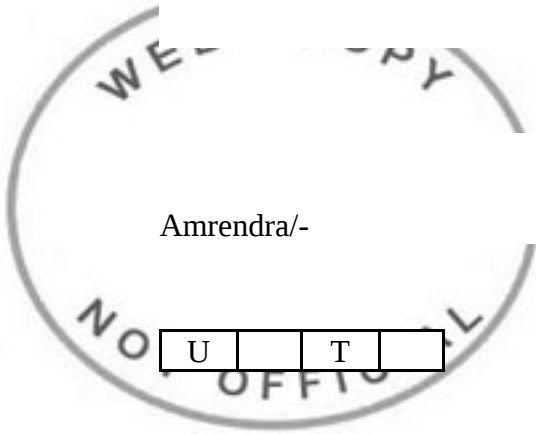
Moreover, the bank guarantee and mortgage property were to be invoked or attached for realization of the due amount and ultimately as per Clause-15 of the agreement the money was to be recovered by instituting certificate case under Bihar and Orissa Public Demand Recovery Act, 1914 which has already been filed. However, the petitioner is ready to deposit 20% of the alleged misappropriated amount.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for Bihar State Food Corporation that as per the Clause 4 of the agreement, the Bihar State Food Corporation was entitled to recover the amount with penal interest and at present the Bihar State Food Corporation is not in a position to receive the processed rice.

On deposit of 20% of alleged misappropriated amount, let the above named petitioner 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) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Kaimur at Bhabhua in connection with Mohania P.S. Case No. 116 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The present order in no way will preclude the Bihar

State Food Corporation to recover the balance due amount as per
the terms of the agreement.



(Dinesh Kumar Singh, J)

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