

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27124 of 2015

Arising Out of PS.Case No. -157 Year- 2015 Thana -JAHANABAD District- JEHANABAD

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Nabab Singh @ Nawab Singh S/o Late Dayanand Singh Resident of Village
- Sikaria, P.S. - Jehanabad Kodhauna, District - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, B.S.F.C. Jehanabad.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Akhileshwar Pd. Singh, Sr. Advocate
Mr. Manoj Kumar, Advocate.

For the Opposite Party/s : Mr. Anuradha Singh, A.P.P.

For the BSFC: Mr. Shailendra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-07-2015 Heard both sides.

The petitioner apprehends his arrest in a case under
Sections 406, 409, 420, 120(B) of the Indian Penal Code and
Section 7 of the E.C. Act.

The petitioner lifted 11500.00 quintals of paddy from
the Bihar State Food & Civil Supplies Corporation Limited and he
had to deliver 7705 quintals of rice, but the petitioner delivered
5130 quintals of rice. Still 2575 quintals of rice is lying due
against the petitioner and the petitioner thereby committed breach
of trust putting the BSFC to loss worth Rs. 55,76,317/-. The
petitioner is ready to deposit twenty percent of the aforesaid
amount within six months. It is submitted that although the
petitioner did not breach any condition of the agreement.

Transportation was not provided, therefore, the petitioner could not deliver the rice to the godown of BSFC. A certificate case is also going on.

Considering the facts aforesaid that admittedly the petitioner did not deliver CMR rice worth Rs. 55,76,317/- and the certificate proceeding is also going on and the petitioner is ready to deposit 20% of the aforesaid amount within six months, the above named petitioner, in the event of his arrest or surrender before the learned 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, Jehanabad in Kodhauna P.S. Case No. 157/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with a further condition that the petitioner shall deposit 20% of the remaining amount lying due against him within six months from the date of his release in the account of the BSFC. In the event, the petitioner fails to deposit 20% of the remaining amount, as aforesaid, his bail bonds shall be cancelled.

(Prabhat Kumar Jha, J)

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