

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26627 of 2015

Arising Out of PS.Case No. -64 Year- 2015 Thana -SHIVSAGAR District- SASARAM (ROHTAS)

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1. Abhijit Bahadur, son of Sri Prem Chandra, M/S/ Sri Thakur Ji High-tech Agro Industries Industries Mojari, Rohtas, resdient of Village- Mojari, P.O.- Torani, P.S.- Shivsagar, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey

For the Opposite Party/s : Mr. Md.Fahimuddin(App)

For the BSFC : Mr. A. N. Rai

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 09-10-2015 Heard both sides.

The petitioner apprehends his arrest in a case under
Section 409, 420 of the Indian Penal Code.

The petitioner lifted 10,000 quintals of paddy and he
had to deliver 6700 quintals of rice out of which the petitioner
delivered 2686.95 quintals of rice. The petitioner misappropriated
4013.05 quintals of rice, price of which comes to Rs.
76, 37,355.85/-.

Sri Ashutosh Ranjan Pandey, the learned counsel for
the petitioner, submits that it is a breach of agreement between the
BSFC and the Miller. The petitioner was ready to deliver the rice
but the BSFC did not accept the delivery. BSFC filed a certificate



case for realization of the aforesaid amount but the petitioner moved before this court in CWJC No. 17007/2013 and the certificate case was quashed with liberty to BSFC to realize the arrears, if any, in accordance with law. It is submitted that against the order passed in CWJC No. 13746 of 2013, on the basis of which certificate case was quashed, a Letters Patent Appeal is filed which is pending and thereafter this FIR has been lodged. It is submitted that the petitioner is ready to deposit 20% of the aforesaid due amount within nine months from today.

The learned counsel for the BSFC has submitted that the amount deposited by the petitioner shall be adjusted in the proceeding for recovery of amount lying due against the petitioner.

Considering the facts aforesaid, 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, Rohtas at Sasaram in Shivsagar P.S. Case No. 64 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, subject

to condition that the petitioner shall deposit 20% of the amount within nine months in the account of BSFC and if he fails to deposit the aforesaid amount within nine months, the court below shall cancel the bail bonds of the petitioner.

(Prabhat Kumar Jha, J)

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