

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48478 of 2015

Arising Out of PS.Case No. -91 Year- 2015 Thana -WARSALIGANJ District- NAWADA

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Laxmi Saw Son of Mangar Sao, Resident of village - Gopalpur, P.S.
Warisaliganj, District - Nawadah

.... Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food & Civil Supplies Corporation Ltd., Patna through its
Managing Director

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar & Mr. Bipin Kumar.

For the Opposite Party/s : Dr. Kumar Uday Pratap (App)

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 17-12-2015 Heard both sides.

The petitioner apprehends his arrest in a case under
Sections 406, 409, 420, 34 of the Indian Penal Code.

The petitioner lifted 39286.12 quintals of paddy from
the Bihar State Food & Civil Supplies Corporation Limited. The
petitioner had to deliver 26321.70 quintals of costumed milled rice
but the petitioner delivered only 2165 quintals of rice. The
petitioner is alleged to have misappropriated 24161.70 quintals of
rice worth Rs. 5,23,23,611.50. It is submitted that the rice is still
lying in the mill of the petitioner. The BSFC, however, did not



provide vehicle for lifting of the rice. A certificate case is also going on for realization of the entire amount. The petitioner is ready to deposit 20% of the aforesaid amount within six months. On such, Sri Shailendra Kumar Singh, learned counsel for the BSFC, states that if 20% of the aforesaid amount due to the petitioner is deposited within six months, he has got no objection. The rest of the amount shall be realized in the certificate proceeding.

Considering the facts aforesaid that admittedly the petitioner did not deliver CMR rice worth Rs. 5,23,23,611.50 and the certificate proceeding is also going on, 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, Nawada in G.R. No. 950/15, arising out of Warisaliganj P.S. Case No. 91/2015, 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 aforesaid amount of Rs. 5,23,23,611.50 lying due against him within six months from the date of his

release. In the event, the petitioner fails to deposit 20% of the
aforesaid remaining amount, as aforesaid, the learned court below
shall be at liberty to cancel his bail bonds.

Dilip/-

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(Prabhat Kumar Jha, J)