

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28096 of 2015

Arising Out of PS.Case No. -66 Year- 2015 Thana -BUXAR INDUSTRIAL District- BUXAR

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Din Dayal Choubey S/o Bimla Choubey @ Bimla Pati Choubey R/o Village
Ahirauli, P.S. Industrial Area, Buxar District Buxar, Bihar, Proprietor M/s
Ma Durga Mini Rice Mill, Ahirauli, Industrial Area, Buxar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

For the Opposite Party : Mr. Abhay Kr. Roy(App)

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 24-07-2015 Heard both sides.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420 and 120B of the Indian Penal Code.

The petitioner lifted 10910 quintals of paddy for milling and he had to deliver 7309.70 quintals of rice, but the petitioner has deposited only 2336.69 quintals of rice thereby the petitioner misappropriated Rs. 94,64,282/-.

Mr. Surendra Kumar Singh, the learned counsel appearing on behalf of the petitioner submits that the petitioner deposited 5161 quintals of rice instead of 2336.69 quintals of rice. The certificate officer has already held in his order that the petitioner had already delivered 5161 quintals of rice, therefore, the petitioner is only liable to

pay Rs. 27,889/-. The petitioner is ready to deposit 20 per cent of the aforesaid amount within six months.

Mr. Shailendra Kumar Singh, the learned counsel appearing for the B.S.F.C. did not raise objection and submits that the rest amount shall be realized in a proceedings initiated under the P.D.R. Act.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the 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, Buxar in Industrial Area, Buxar P.S. Case No. 66 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 aforesaid amount within six months, the learned court below shall cancel the bail bond of the petitioner.

(Prabhat Kumar Jha, J.)

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