

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26163 of 2015

Arising Out of PS. Case No. -56 Year- 2015 Thana -RAFIGANJ District- AURANGABAD

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Gudiya Sharma, wife of Sri Pawan Kumar Sharma, resident of Village-
Gulab Bigha, P.S.- Rafiganj, District- Aurangabad (Bihar)..... Petitioner/s
Versus

1. The State of Bihar
 2. Sri Vinay Kumar Choudhary, Incharge of Paddy Purchase Centre,
Rafiganj, Bihar State Food Corporation, Aurangabad... Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai(App)

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**

ORAL ORDER

2 04-06-2015

The petitioner seeks anticipatory bail in Rafiganj P.S.

Case No. 56 of 2015 under sections 409 and 420 of the Indian
Penal Code. The petitioner is the mill-owner.

As per the prosecution, the petitioner, a miller entered
into an agreement with the State Food Corporation for supplying
the C.M.R. (custom milled rice) in lieu of the paddy supplied to
the Mill.

The petitioner submits that the milled rice is in
readiness in the Mill and he is willing to supply the same to the
State Food Corporation. It is further submitted that the milled rice
could not be supplied to them, as the Corporation had not provided
the carrier for carrying the same, as stipulated in the agreement.
Besides this, substantial property is also mortgaged with the
respondents.

It appears that the cases of similar mill owners came for

consideration before this Court in Cr. Misc. No. 43286 of 2014, Cr. Misc .No. 24606 of 2015 and in other cases. This Court after hearing the parties and also taking into consideration the nature of the allegations, has been pleased to enlarge the petitioners of those cases on anticipatory bail.

The learned counsel for the State Food Corporation submits that in one case while granting anticipatory bail, this Court directed the mill owner to deposit 20 % of the amount of the price of paddy not supplied.

Having regard to the facts and circumstances of the case, I direct that in the event of surrender within four weeks from today before Chief Judicial Magistrate, Aurangabad the petitioner shall be released on bail on furnishing bail bond of Rs.5,000/-(five thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No. 56 of 2015, with a further condition that the petitioner shall deposit a sum of Rs.50,000/- (fifty thousand) in the court below, which would be subject to the result of the criminal case, and subject to supply of agreed milled rice.

(Samarendra Pratap Singh, J.)

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