

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24493 of 2015

Arising Out of PS.Case No. -98 Year- 2015 Thana -BIHIYA District- BHOJPUR

1. Renu Devi W/o Sri Lallan Prasad Resident of Village - Judge Bazar, P.S.
- Bihiya, District - Bhojpur, Proprietor of M/S Shree Laxmijee Modern
Rice Mill Situated at Judge Bazar, P.S.- Bihiya, District- Bhojpur.

.... Petitioner/s

Versus

1. Thje State of Bihar
2. The District Manager Bihar State Food and Civil Supplies Corporation
Ltd. of Bhojpur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Verma,Sr.Adv. & Mr.
Binod Kumar Sinha

For the Opposite Party/s : Mr. Binod Kr. 3(App)

For B.S.F.C : Mr. Awadhesh Kumar & Mr. Anurag Saran

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA

PRATAP SINGH

ORAL ORDER

2 04-06-2015

The petitioner seeks anticipatory bail in Bihiya P.S. Case No. 98 of 2015 under sections 409 and 420 of the Indian Penal Code & section 7 of the E.C. Act. 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 Additional Chief Judicial Magistrate at Ara ,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 Additional Chief Judicial Magistrate, Ara in connection with Bihiya P.S. Case No. 98 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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