

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24176 of 2015

Arising Out of PS.Case No. -56 Year- 2015 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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RAJEEV KUMAR SINGH, Son of Ramdeo Singh, resident of village-
Nuaon, P.S.- Durgawati, District- Kaimur.

.... Petitioner/s

Versus

The State of Bihar through Bihar State Food & Civil Supply Corporation
Ltd.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ajay Nandan Sahay, Advocate.

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

For the BSFC: Mr. R.S. Pradhan, Sr. Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-07-2015

Heard both sides.

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

The petitioner being a miller lifted 8866 quintals of
paddy and he had to deliver rice to the State Food Corporation
67% of the total paddy lifted by the petitioner but the petitioner
did not deliver rice and thereby, it is alleged, the petitioner
misappropriated Rs. 1,22,82,125.13. Learned counsel for the
petitioner submits that the petitioner submits that it is a breach of
agreement and no criminal case is made out. The State Food
Corporation was to lift the rice from the mill of the petitioner but
the Corporation neither provided transport nor lifted the rice from
the mill of the petitioner. The rice is still lying in the premises of

the petitioner.

It appears that admittedly the petitioner lifted paddy in pursuance of an agreement arrived between the State Food Corporation and the petitioner but thereafter many terms of the agreement are alleged to have been violated and the petitioner remained custodian of entire rice and admittedly the petitioner did not deliver rice worth Rs. 1,22,82,125.13.

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, Bhabua (Kaimur) in Durgawati P.S. Case No. 56/15, 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 total amount, i.e. Rs. 1,22,82,125.13, lying due against him within six months from the date of his release. In the event, the petitioner fails to deposit 20% of the total amount, as aforesaid, his bail bonds shall be cancelled.

Dilip/-

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(Prabhat Kumar Jha, J)