

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24378 of 2015

Arising Out of PS.Case No. -23 Year- 2015 Thana -NARAINPUR District- BHOJPUR

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1. Saurav Kumar Singh @ Saurabh Kumar Singh, Son of: Sri Suresh Singh,
Resident of Village: Narayanpur, P.S. Narayanpur, District: Bhojpur.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh

For the Opposite Party/s : Mr. Arun Kumar Singh-5(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 09-10-2015 Heard both sides.

The petitioner apprehends his arrest in Narainpur P.S.
Case No. 23/2015, registered for the offences punishable under
Section 406, 420 of the Indian Penal Code.

The petitioner lifted 7360.80 quintals of paddy and after
milling, he had to deliver 4931.74 quintals of rice, but he only
delivered 810 quintals of rice to B.S.F.C. The petitioner did not
deliver 4121.74 quintals of rice, the price of which comes to Rs.
89,25,666.61. It is alleged that the petitioner misappropriated the
Rs. 89,25,666.61/-.

Learned counsel for the petitioner submits that there is a
breach of agreement between the B.S.F.C and the petitioner. The



petitioner sent the entire rice to the B.S.F.C., but most of the time the delivery was not accepted. B.S.F.C. has already filed a certificate case for realization of the aforesaid amount. The petitioner is ready to deliver the rice, but B.S.F.C. has not paid the transport charge for transportation of the paddy and rice from the godown of B.S.F.C. to miller of the petitioner and from miller of the petitioner to B.S.F.C. godown. However, the petitioner is ready to deposit 20% of the aforesaid amount, but he is ready to pay 20% of the aforesaid amount within six months from the date of this order in the account of BSFC.

The certificate case is going on for recovery of the entire amount and if the petitioner is ready to deposit 20% of the aforesaid amount the same shall be deposited subject to the result of certificate case.

Having considered the aforesaid facts and the fact that the petitioner has already agreed to deposit 20% of Rs. 89,25,666.61 within six months from today, the petitioner, 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 Judicial Magistrate

Ist Class, Bhojpur at Ara in connection with Narainpur P.S. Case No. 23/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C. If the petitioner fails to deposit the 20% of the aforesaid amount within six months, the learned court shall cancel the bail bond of the petitioner.

(Prabhat Kumar Jha, J.)

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