

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56143 of 2015

Arising Out of PS.Case No. -36 Year- 2015 Thana -AKHODHIGOLA District- SASARAM
(ROHTAS)

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1. Mukesh Pandey, Son of Jagdeep Pandey, resident of Village- Bararahi,
P.S.- Akorhi Gola, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food Corporation Ltd. Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Dubey &
Mr. Arun Kumar, Advocates
For the State : Mr. Rajendra Singh Shastri (App)
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-12-2015 Heard learned counsel for the petitioner and the

State.

The petitioner being a rice miller apprehending his
arrest in a case registered for the offences punishable under
Sections 406, 409, 420 of the Indian Penal Code.

The prosecution case is that under an agreement
the petitioner being the rice miller was supplied 9400 quintals
of paddy by the Rohtas unit of The Bihar State Food and Civil
Supplies Corporation Limited during the procurement years
2012-13 in lieu thereof the petitioner was supposed to supply
6298 quintals of custom milled rice but the petitioner supplied
only 5660.40 quintals of custom milled rice and failed to supply
637.70 quintals of processed rice worth Rs. 13,80,761.06/-.

It is submitted by the learned counsel for the petitioner that out of due amount petitioner was deposited Rs. 11,89,553/-, but this fact has not been disputed by the learned counsel for the Bihar State Food And Civil Supplies Corporation Limited.

It is submitted by the learned counsel for the petitioner that the petitioner is ready to make payment of 20% of the alleged due amount which comes to Rs. 2,00,000/- within a period of one month.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Dehri-on-sone, Rohtas at Sasaram in connection with Akorhi Gola P.S. Case No. 36 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid deposit will not be treated to be an admission of the petitioner with regard to the claim of the informant but the same will be subject to the Certificate Proceeding or any legal proceeding.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of draft of

Rs. 2,00,000/- within a period of four months in favour of the
Bihar State Food and Civil Supplies Corporation Limited,
Patna.

(Dinesh Kumar Singh, J)

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