

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9073 of 2016

Arising Out of PS.Case No. -398 Year- 2013 Thana -MADHUBANI TOWN District-
MADHUBANI

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1. Sanjay Kumar Sah @ Sanjai Kr. Sah son of Sri Ramu Sah resident of
Village - Balha, P.S. - Keoti, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Madan Kumar S/o Ramput Rai Vill - Raghunathpur, Imampur, P.S. -
Bhagwanpur, Distt. - Vaishali at present District Manager B.S.F.C.,
Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate
For the B.S.F.C.	:	Mr. Awadhesh Kumar & Mr. Shailendra Kumar, Advs.
For the State	:	Mr. Bhanu Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 10-03-2016 Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406, 420 of the Indian Penal Code and 138 of the Negotiable Instrument Act.

The prosecution case as per the written report of the District Manager, Bihar State Food and Civil Supplies Corporation Limited, Madhubani is to the effect that the petitioner being the proprietor of Sri Ganpati Food Industries was supplied paddy. He was supposed to supply the processed rice, but he failed to do so and he

issued 80 Cheques of rupees five lakh each, drawn of State Bank of India, Darbhanga, but the same got bounced due to insufficient fund.

It is submitted by the learned counsel for the petitioner that for non supply of the customed mill rice, Madhubani (T) P.S. Case No. 18 of 2014 was registered under Sections 406, 409, 420 of the of the Indian Penal Code, wherein the petitioner was granted anticipatory bail by a Coordinate Bench of this Court vide Cr. Misc. No. 8173 of 20154. For the same cause of action, the present case was lodged and out of 80 Cheques worth rupees about four crores, rupees one crore and five lakh have already been encashed. A Certificate Case No. 07 of 2013-14 has also been initiated against the petitioner for the amount involved in Madhubani P.S. Case No. 18 of 2014 and present case being Madhubani Town P.S. Case No. 398 of 2013, though the Certificate Proceeding has been quashed but the Appeal is pending in the said order.

Mr. Awadhesh Kumar, learned counsel for the Bihar State Food and Civil Supplies Corporation Limited submits that the amount involved in the present First Information Report and in Madhubani P.S. Case No. 18 of 2014 are one and the same. Moreover, he also admits that total due amount of rupees four crores, Cheques of rupees one crore five lakh have already been encashed.

Considering the fact that the petitioner has already

been granted anticipatory bail in the connected matter, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Madhubani Town P.S. Case No. 398 of 2013, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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