

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8970 of 2016

Arising Out of PS.Case No. -103 Year- 2013 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

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Ashok Kumar, son of Late Saryug Singh, resident of village- Barandi, P.S.-
Rahui, District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar
2. The Bihar State Food Corporation through District Manager, Nalanda.
..... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ambarish Kumar, Advocate

For the Opposite Party/s : Mr. Zainul Abedin(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 25-04-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 420 and 406 of the Indian Penal Code.

Allegedly, 10054.21 quintals of paddy was supplied
to the Rice Mill of the petitioner and he was to deliver 6736.32
quintals of rice to the F.C.I. but he supplied only 4304.60 quintals
of rice and in spite of several reminder he did not supply the rest
quantity the value of the mis-appropriate rice comes to
Rs.46,27,879.30/-

Submission is of false implication and that this is a
matter of calculation, the petitioner has filed C.W.J.C. No.9206 of
2013 which was disposed of on 22.7.2014 and in that view of the

matter, pre-arrest bail application of the petitioner was disposed of as not maintainable vide Cr. Misc. No.40378 of 2013 but the petitioner was apprehended and is suffering in custody since 24.11.2015. It is a case of calculation and not mis-appropriation.

Learned counsel for Bihar State Food Corporation opposes the prayer of bail.

In the facts and circumstances stated above, considering the detention of the petitioner now he is directed to be released on bail on execution of bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Nalanda at Bihar Sahrif in connection with Rahui P.S. Case No.103 of 2013, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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