

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24320 of 2016

Arising Out of PS.Case No. -118 Year- 2016 Thana -AHIAPUR District- MUZAFFARPUR

=====

1. Vivek Koirala, son of Jagat Narayan Singh Resident of village- Patiasaha Jalal, P.S.- Akhiyapur, District- Muzaffarpur. At present Chairman PACS Rice Mill Limited At Paiyasha Jalal, P.S.- Ahiyarpur District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies, Muzaffarpur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Uday Prakash Shharma
For the State : Mr. Sanjay Kumar (App)
For the BSFC : Ms. Aishwarya Riti

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 12-08-2016 Heard learned counsel appearing on behalf of the petitioner and learned Addl. Public Prosecutor, appearing on behalf of the State.

This application for grant of anticipatory bail arises out of Ahiyapur P.S. Case No. 118 of 2016, disclosing offences under Sections 406 and 420 of the Indian Penal Code.

The petitioner is an owner of a rice mill. Allegedly, in pursuance of agreement between him and Bihar State Food & Civil Supply Corporation, 17621.63 quintal of paddy was supplied to him with the understanding that the petitioner would deliver 67% of the Custom Milled Rice(CMR). Accordingly, the

petitioner was required to deliver 11806.49 quintals but the actual supply was of only 4590.00 quintals CMR and he is said to have thus misappropriated rest of the paddy, worth of Rs.1,56,27,746.63/-. It also appears that out of the said amount, the petitioner has deposited a sum of Rs. 4,49, 391.00/- and amount of Rs. 1,51,78,355/- is still to be recovered from the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that a certificate proceeding was initiated against him for recovery of the said amount, which proceeding has been concluded with a direction, to the petitioner to pay the entire amount.

For the purpose of grant of anticipatory bail, learned counsel for the petitioner submits that the petitioner is ready to pay the said amount of Rs. 1,51,78,355/- in by 12 monthly equal installment. The said amount learned counsel says, shall be deposited in the account of Bihar State Food & Civil Supply Corporation. Payment of first installment shall be made in the first week of September, 2016 while the rest other installment shall be paid in the first week of subsequent months.

He has also submitted that such payments shall be without prejudice to the petitioner's rights and contentions in any

other proceeding which may arise out of the said certificate proceeding.

Considering the above, this application is allowed.

Let the petitioner, above-named, in the event of his arrest/surrender before the court below within six weeks from today, be released 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 C.J.M., Muzaffarpur, in Ahiyapur P.S. Case No. 118 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioner shall present himself before the police/court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutives occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

siddharth/-

U		T	
---	--	---	--