

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18582 of 2016

Arising Out of PS.Case No. -108 Year- 2016 Thana -BANKA District- BANKA

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Rajeev Kumar, Proprietor Amrita Rice Mill Son of Sri Mahendra Prasad
Sah resident of village - Takichak, P.O. Mirjanhat, P.S. Habibpur, District -
Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food & Civil Supplies Corporation
Limited, Banka

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi
For the Opposite Party/s : Mr. Ashok Kumar Singh-I(App)

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 09-05-2016 Heard learned counsel for the petitioners and the

State.

The petitioner apprehends his arrest in connection
with Banka P.S. Case No. 108 of 2016 registered for offences
punishable under Sections 406 and 420 of the Indian Penal Code.

Petitioner claims to be rice miller being proprietor
of Amrita rice mill. In view of the fact that he collected the paddy
but did not supply the milled rice of an amount of Rs. 42,49,394/-,
a certificate case was initiated against him in which he was
ordered to deposit the money in installments. Petitioner claims that
though he was depositing the money, the District Magistrate has
lodged this First Information Report, whereas, learned counsel
appearing for BSFC submits that petitioner stopped paying

installment and thereafter he started paying Rs. 60,000/- in place of Rs. 75,000/-

It is contended on behalf of the petitioner that even though it is assumed that petitioner defaulted in payment then action could have been taken by the certificate officer whereas the FIR has been lodged by the District Magistrate.

Learned counsel for the petitioner undertakes that petitioner would follow the direction of the certificate officer and deposit the requisite instalment properly.

Having regard to the facts and circumstances of the case, let the petitioner, namely, Rajeev Kumar, be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Banka P.S. Case No. 108 of 2016, on furnishing bail bond of Rs.10,000(Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate Banka, subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J.)

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