

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18835 of 2016

Arising Out of PS.Case No. -40 Year- 2016 Thana -SAKRA District- MUZAFFARPUR

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Ram Kumar Jha S/o Late Kameshwar Jha, Prop. M/s Sri Ram Kutir Udhog,
R/s Village - Siho, P.S. - Sakara, District - Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food Corporation, Muzaffarpur.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Y.V. Giri, Sr. Advocate
Mr. Krishna Mohan Mishra, Advocate

For the BSFC : Mr. Sanjay Prasad, Advocate

For the State : Mr. Rana Randhir Singh(App)

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 25-05-2016 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offences punishable under sections 409, 406 and 420 of the Indian Penal Code.

It is contended on behalf of the petitioner that the criminal prosecution itself is not maintainable in view of the decision rendered by a Coordinate Bench of this Court in C.W.J.C. No. 15613 of 2015(Neeraj Kumar v. The State of Bihar and others), as contained in Annexure 7 to the supplementary affidavit.

However, it is contended on behalf of the Bihar State Food Corporation that the petitioner was expected to supply 27602.10 quintals of milled rice out of which he had supplied only 15120.00



quintals of the same causing loss of Rs. 27030736.41 to the Bihar State Food Corporation out of which the petitioner has deposited Rs. 2965670.00. Thereafter, the First Information Report has been lodged with the allegation that there is embezzlement of Rs. 24065066.48.

Having regard to the facts and circumstances of the case, let the abovenamed petitioner, namely, Ram Kumar Jha, be released on provisional anticipatory bail for a period of nine months in the event of arrest/surrender before the court below within a period of six weeks from today in Sakara Police Station Case No. 40 of 2016 on furnishing bail bonds of Rs.10,000/- (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur, subject to the conditions laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

However, at the time of furnishing of bail bond the petitioner would be required to deposit a demand draft for an amount of 5% of Rs. 24065066.48 in favour of the District Manager, Bihar State Food Corporation, Muzaffarpur. The rest 15% of the aforesaid amount would be required to be deposited by the petitioner in favour of the District Manager, Bihar State Food Corporation, Muzaffarpur in form of demand draft in the court

below within a period of nine months from the date of furnishing of first demand draft which is required to be deposited by him at the time of furnishing of the bail bond. Thereafter, the court below would make the provisional anticipatory bail absolute.

(Dr. Ravi Ranjan, J)

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