

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25012 of 2016

Arising Out of PS.Case No. -33 Year- 2015 Thana -AGIAUN BAZAR District- BHOJPUR

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Madhubala Devi Wife of Bhuneshwar Tiwari Resident of Village lalhthan,
PS Agiaon Bazar, District Bhojpur, Proprietor of M/s Tiwariji Rice mill
Lahthan Agiaon Bazar, Piro, Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajiv Ranjan District Manager, Bihar State Food & Civil Supplies
Corporation limited Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.
For the B.S.F.C. : Mr. Niraj Kumar, Adv.
For the Opposite Party/s : Mr. Satyendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

6 24-08-2016 Heard both sides.

The petitioner apprehends her arrest in Agiaon Bazar
P.S. Case No. 33/2015, registered for the offences punishable
under Sections 406, 409, 420 of the Indian Penal Code and Section
7 of the E.C. Act.

The petitioner owner of Tiwaryji Rice Mill was given
12346.50 quintals of paddy and she had to deliver 8272.16
quintals of rice to the B.S.F.C., but the petitioner handed over only
5400 quintals of C.M.R. to the B.S.F.C. She did not hand over
2872.16 quintals of C.M.R. and thereby she misappropriated a
sum of Rs. 62,19,832.98.

Learned counsel for the petitioner submits that the petitioner milled the entire paddy and handed over 5400 quintals of rice to the B.S.F.C, remaining rice is lying in the premises of her mill, but nobody turned up to lift the rice. It is further submitted that the petitioner is ready to deposit 20% of Rs. 62,19,832.98 within three months. B.S.F.C. shall realize the rest of the amount in accordance with law.

Learned counsel for the B.S.F.C. however vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that petitioner had to deliver the entire amount of rice and on similar facts this court has rejected the anticipatory bail of Manoj Kumar Singh in Cr. Misc. 17186/2016.

On perusal of the order passed in Cr. Misc. 17186/2016 (Manoj Kumar Singh Vs The State of Bihar) it appears that learned counsel appearing on behalf of B.S.F.C. has submitted wrong facts.

Considering the facts aforesaid and the fact that petitioner is ready to deposit 20% of Rs. 62,19,832.98 within three months, the petitioner above-named, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.

10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate Ist Class, Bhojpur, Ara in connection with Agiaon Bazar P.S. Case No. 33/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C. if the petitioner fails to deposit 20% of Rs. 62,19,832.98 within three months, the learned court below shall cancel the bail bonds of the petitioner.

(Prabhat Kumar Jha, J.)

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