

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23464 of 2016

Arising Out of PS.Case No. -146 Year- 2016 Thana -ARARIA District- ARRARIA

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Ratan Sarkar S/o Late Manoranjan Sarkar, Resident of village- Tungidighi,
P.S.- Karandighi, District- Uttar Dinaganj (West Bengal)

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Suppliers Corporation Ltd., Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivek Kumar, Advocate
For the Opposite Party No.1 : Mr. Pancha Nand Pandit (APP)
For the Opposite Party No.2 : Mr. Niraj Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 17-08-2016 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel appearing for Opposite

Party No.2, the Bihar State Food and Civil Supplies Corporation,

Patna.

Petitioner apprehends his arrest in connection with

Araria P.S. Case No. 146 of 2016 registered for the offence

punishable under Sections 406, 409 and 420 of the Indian Penal

Code.

The prosecution case, in brief, is that as per the

agreement, 15666.33 quintals of paddy was given to the miller,

M/s New Sarkar Rice Mill in the year 2012-13 by the informant

for dehusking and after dehusking the same, 10496.44 quintals of

CMR rice was to be returned, but only 6210 quintals of rice was given to the Corporation and 4286.44 quintals of CMR rice worth Rs. 92,82,545/- has been misappropriated by the miller.

It has been submitted by the learned counsel for the petitioner that petitioner is innocent and has been falsely implicated in the aforesaid case. He submits that a certificate proceeding, bearing Certificate Case No. 7/2014-15 is also pending against the said dues and major portion of the CMR rice has already been deposited. He submits that Rs. 92,82,545/- is alleged to have misappropriated, out of which petitioner has already deposited Rs. 28,25,000/- and Rs. 64,57,545/- is yet to be paid. He submits that petitioner undertakes to deposit 50% of Rs. 64,57,545/- in the account of the Bihar State Food and Civil Supplies Corporation within a period of six weeks from today.

Considering the aforesaid undertaking given by the petitioner, this application is allowed. Let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 146 of 2016, subject to the

conditions as laid down under Section 438(2) of the Cr.P.C.

It is, however, made clear that the petitioner will remain physically present before the police/ Court as and when required and his failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds without being prejudiced by this order.

In view of the aforesaid undertaking given by the petitioner that he will deposit 50% of the remaining dues, as noted above, shall not prejudice the rights of the petitioner in the certificate proceedings or criminal proceedings.

(Nilu Agrawal, J.)

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