

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42491 of 2015

Arising Out of PS.Case No. -61 Year- 2015 Thana -CHENARI District- SASARAM (ROHTAS)

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Brij Raj Bahadur Singh @ Brij Bahadur Singh @ Brij Bihari Singh Son of
Nagdeo Singh, Proprietor of Pankaj Mini Rice Mill, Saraiya, Chenari,
Resident of village- Saraiya, P.S.- Chenari, District- Rohtas

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyam Bihari Singh
For the Opposite Party/s : Mr. Md.Nazir Ansari(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 14-01-2016 Heard learned counsel for the petitioner, State and

learned counsel for the BSFC.

The petitioner, being the Rice Miller, is apprehending
his arrest in connection with Chenari P.S. Case No. 61 of 2015
registered for the offences punishable under Sections 416 and 420
of the Indian Penal Code.

Learned counsel for the petitioner submits that though
the allegation against the petitioner is of defalcation of C.M.R.
Rice quantified to the tune of Rs. 1,13,44,394.26/- in fact, the
petitioner has not lifted such paddy and such allegations are
wholly misconceived. It is further submitted that he has been made
victim on account of mis-calculation by the Bihar State Food

Corporation and as such, he is entitled to pre-arrest bail.

Learned counsel for the State submits that there is clear cut allegation against the petitioner and therefore, such benefit may not be extended in his favour. However, it is submitted that in case, the petitioner follows the earlier pattern of depositing 20 per cent of the alleged defalcated amount, as has been done by this Court in the case of other rice miller, the same benefit may be extended to him.

Learned counsel for the petitioner, thus, agrees to pay 20 per cent of alleged defalcated amount, without prejudice to his rights as and when the calculations are made and the loss is quantified.

Be that as it may, let the petitioner deposits 20 per cent of the defalcated amount within a period of one year which shall be paid in equal installment within the aforesaid period. In case, the petitioner deposits the first installment, let the petitioner above named, in the event of his 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, be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sasaram in connection with Chenari P.S. Case No. 61

of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that if the petitioner defaults in payment of two consecutive installments, it shall be open for the Bihar State Food Corporation to move this Court or approach the Court below for modification/cancellation of this order in accordance with law.

(Anjana Mishra, J)

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