

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31518 of 2016

Arising Out of PS.Case No. -102 Year- 2016 Thana -MINAPUR District- MUZAFFARPUR

=====

Jawahar Chaudhary S/o Sri Satahu Chaudhary R/o Village- Turki Khararu, Purani Gharari, P.S.- Meenapur, District- Muzaffarpur. Presently Proprietor/Director partner of M/s Sarswati Rice Mill Situate at Village- Turki Kararu, P.S. - Meenapur, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Manager B.S.F.C., Muzaffarpur.

.... Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate
For the State : Mr. J.K. Singh, APP
For the BSFC : Mr. Prabhat Kumar Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 09-08-2016

Heard learned counsel for the petitioner and learned APP for the State assisted by learned counsel for the Bihar State Food & Civil Corporation Limited.

2. The petitioner apprehends his arrest for the offences alleged under Sections 409 and 420 of the Indian Penal Code registered in connection with Minapur P.S. Case No. 102 of 2016.

3. It is submitted that the petitioner has been falsely implicated in what essentially constitutes a civil dispute and mere breach of agreement. The petitioner has acted bonafide as he has been making deposit even after institution of the first information report and undertakes to continue making payment against the outstanding amount which is separately being sought to be recovered through the certificate proceedings.

4. Learned APP for the State assisted by learned counsel for the Bihar State Food & Civil Corporation Limited submits that huge quantity of paddy have been misappropriated and defalcated by a number of persons such as the petitioner. As against the amount of Rs. 21,60,470.93/- said to be outstanding against the petitioner, an aggregate amount of Rs. 10,00,000/- only has been deposited by the petitioner till date.

5. Having regard to the entirety of the facts and circumstances of the case, in the event of petitioner's arrest or surrender within four weeks hereof let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Minapur P.S. Case No. 102 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

6. The provisional bail shall stand confirmed subject to the condition that the petitioner deposits the entire remaining amount outstanding in twelve equal monthly instalments and if he defaults payment of two consecutive instalments, his bail bond will be liable to be cancelled by the Court concerned.

7. The bail petition stands disposed of.

(Vikash Jain, J)

B.T/-

U			
---	--	--	--