

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29970 of 2016

Arising Out of PS.Case No. -153 Year- 2016 Thana -KUDRA District- BHABHUA (KAIMUR)

Abhisekh Kumar @ Abhishek Kumar, Son of Late Shivperson Rai,
Resident of Village- Pachpokhari, P.S.- Kudra, District-Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food & Civil Supplies Corporation Ltd., Kaimur
(Bhabua).

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Vivekanand Singh, Advocate.

For the Opposite Party/s : Mr. Kumar Virendra Narayan, A.P.P.

For the O.P. No. 2: Mr. Aditya Prakash Sahay, Advocate.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 06-09-2016

Heard both sides.

The petitioner apprehends his arrest in Kudra P.S.
Case no. 153 of 2016 registered under Sections 409 and 420 of the
Indian Penal Code.

The petitioner is the owner of M/S Shiv Shanti Rice
Mill, Pachpokhari, Kudra. 17853.00 quintals of paddy was given
to the petitioner and 67% of which, i.e. 11961.51 quintals of
CMR, was to be delivered to the State Food Corporation. The
petitioner misappropriated 5487.59 quintals of rice, the price of
which comes to Rs. 1,18,83,705.40. It is submitted that out of Rs.
1,18,83,705.40, the petitioner has already deposited Rs.

51,00,000.00 to the State Food Corporation and now Rs. 67,83,705.40 is lying due against the petitioner. The petitioner is still ready to deposit 20% of the aforesaid amount of Rs. 67,83,705.40 within four months and the SFC shall recover the remaining amount in accordance with law. A certificate case is also pending.

Learned counsel appearing on behalf of the SFC, however, opposed the prayer for anticipatory bail but admitted that the certificate case is also pending.

Considering the facts aforesaid and the fact that the petitioner is ready to deposit 20% of the aforesaid amount of Rs. 67,83,705.40 within four months, the above named petitioner, in the event of his arrest or surrender before the learned 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 the learned Chief Judicial Magistrate, Kaimur at Bhabhua in Kudra P.S. Case No. 153/2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If the petitioner fails to deposit 20% of the aforesaid amount of Rs. 67,83,705.40 within four months from the date of

receipt of this order, the learned court below shall cancel the bail
bonds of the petitioner.

Dilip/-

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(Prabhat Kumar Jha, J)