

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35704 of 2016

Arising Out of PS.Case No. -52 Year- 2016 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

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Moti Sah, son of Late Dayal Sah, Prop. of Vivek Rice Mill, Raghunathpur
Resident of village- Raghunathpur, P.S.- Ramgarhwa, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar,
2. The District Manager, Bihar State Food Corporation, Motihari, East
Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh
For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1
For the BSFC : Mr. Sachin Kumar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 23-09-2016 Heard both sides.

The petitioner apprehending his arrest in Ramgarhwa
P.S. Case No. 52 of 2016 registered under Sections 406, 409,
420 and 120 (B) of the Indian penal Code.

The FIR is lodged by the District Manager alleging
that as Rice Mill Owner, the petitioner was supplied 11820.10
quintals of paddy. After milling, the petitioner was required to
deposit 7919.4670 quintals of custom milled rice (CMR). The
petitioner actually deposited only 5399.91 quintals of CMR. In
the way, it is alleged that the petitioner defaulted 2519.5517
quintals of CMR quantified at Rs. 54,56,251.86/-.



Learned counsel for the petitioner states that a certificate case was also lodged Vide Case No. 17/Food/14-15 in which the petitioner deposited Rs. 47,14,606.00/-. Even, according to the informant, the remaining amount outstanding with the petitioner would be Rs. 7,41,645.86/- Referring to Annexure-3, it is submitted that the transportation charge payable to the petitioner under the agreement comes to Rs. 8,81,889.42/- for which the District Manager (informant) himself communicated to the Bihar State Food and Civil Supplies Corporation.

Considering the above and the other facts reflected from the records, I am persuaded to extend him the privilege of anticipatory bail.

Let the petitioner above named, in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned S.D.J.M. East Champaran, Motihari in Ramgarhwa P.S. Case No. 52 of 2016 subject to the condition as laid down under Section 438(2), the code of Criminal Procedure with further condition that one of the bailors shall be his own/close family member. The petitioner shall appear in person on each date

fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.

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(Kishore Kumar Mandal, J)