

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37407 of 2016

Arising Out of PS.Case No. -185 Year- 2016 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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Ajay Kumar Gupta, Son of Shri Vindhyachal Prasad, Proprietor, M/S Maa Vindhyawasini Shiv Shakti Rice Mill, resident of Ward No.- 17, Gandhi Nagar, Bagaha, P.S.- Bagaha, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, West Champaran , Bettiah

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-09-2016 Heard learned counsel for the petitioner, learned APP for the State and also learned counsel appearing on behalf of opposite party no. 2 Bihar State Food and Civil Supplies Corporation Ltd. West Champaran, Bettiah (hereinafter referred to as the Corporation).

Petitioner apprehends arrest in connection with Bagaha P.S. Case No. 185/16 for offences alleged under Section 409 of the Indian Penal Code.

The prosecution case, as lodged by the District Manager of the Corporation against the petitioner, who is the proprietor of Maa Vindhyawasini Shiv Shakti Rice Mill, is that for



Kharif Season 2012-13, 9267.20 quintals of paddy was given for milling, against which 67% CMR i.e. 6209.024 quintals had to be returned, out of which petitioner supplied 2695.49 quintals, as such, 3513.53400 quintals are yet to be returned, which comes to Rs. 76,08,768.68 against which petitioner has deposited Rs. 9 lakhs. Thus, a sum of Rs. 67,08,768.68 is alleged to have been misappropriated by the petitioner.

It has been submitted by the learned counsel for the petitioner that a certificate case bearing No. 38 of 2014-15 is pending before the court of Collector, West Champaran at Bettiah for recovery of the aforesaid dues. The matter being civil in nature, petitioner is ready to make lump sum payment of Rs. 20 lakhs within six months and also undertakes that he will deposit the entire dues after calculation of the amount due against him.

However, learned counsel appearing for the Corporation submits that a large number of cases in which this Court had directed to make payment, against which S.L.P. has been preferred and one such case is S.L.A. (Crl.) No. 5580 of 2016 in which notices have been issued and the order passed by this Court has been stayed.

Learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes

the prayer for bail.

Be that as it may, since the petitioner undertakes to pay Rs. 20 lakhs out of the alleged embezzled amount within six month, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Bagaha, West Champaran, in connection with Bagaha P.S. Case No. 185/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Rajesh/-

(Nilu Agrawal, J.)

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