

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49436 of 2015

Arising Out of PS.Case No. -136 Year- 2015 Thana -MADHUBANI TOWN District-
MADHUBANI

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Manoj Kumar Sah Son of Shri Babu Saheb Sah, Proprietor Maa Janki Rice Mill, Near (Madhubani) resident of Mohalla - J P Colony, Ward No. 14, Town and District - Madhubani

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary

For the Opposite Party/s : Mr. Md. Aslam Ansari(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 21-01-2016 Heard learned counsel for the petitioner and learned
counsel for the B.S.F.C.

The petitioner apprehends his arrest in connection with
Madhubani Town P.S. Case No. 136 of 2015 (G.R. No. 844 of
2015) registered for the offences punishable under Sections 406,
409 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
present case has been lodged against the petitioner only because
the petitioner had filed the compliant case bearing Complaint Case
No. 416 of 2015 against the Bihar State Food and Civil Supplies
Corporation Ltd (hereinafter referred to as the “Corporation”).
alleging that though he had transported rice for the period 2011-12
to different blocks and a sum of Rs. 2,14,28,140.00/- payment was



payable to him, the District Manager of the “Corporation”, Madhubani raised an usual demand against the petitioner for payment of the alleged amount and did not pay his just and valid payment. It is further submitted that in pursuance of the said complaint petition prosecution was lodged against the Gulam Hussian, District Manager and one co-accused namely, Mithilesh Prasad in which they are facing prosecution and their application for anticipatory bail has been rejected by the Court Below. It is further submitted that the petitioner is also a Rice Miller and subsequently, when he entered into an agreement vide Annexure-2 of the present bail application, the District Manager, of the “Corporation”, Madhubani only to wreak vengeance on the petitioner has filed the present application alleging a defalcation against the petitioner to the tune of Rs. 2,12,03,611.35/-. It is further submitted that with regard to the present case the authorities have also lodged a proceeding under the Public Demand Recovery Act in which the petitioner has filed his objection. It is further submitted that even if at all the case as against the petitioner is to be believed still the corporation owes some money to the petitioner and the said amount can easily be set off against the said amount.

Considering the nature of allegation made and the

present facts and circumstances of the case as has been brought out before this court in the supplementary affidavit, 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, Madhubani in connection with Madhubani Town P.S. Case No. 136 of 2015 (G.R. No. 844 of 2015) subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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