

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29622 of 2016

Arising Out of PS.Case No. -143 Year- 2016 Thana -KUDRA District- BHABHUA (KAIMUR)

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Ramesh Kumar Singh @ Ramesh Kumar Gupta Son of Yamuna Sah
Resident of village - Lalpur, P.S. Kudra, District Kaimur

.... Petitioner

Versus

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

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh

For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 26-10-2016

Heard both sides.

The petitioner apprehends his arrest in Kudra P.S.
Case No. 143 of 2016, registered for the offences punishable under
Sections 409 and 420 of the Indian Penal Code.

The petitioner is the proprietor of Sheru Mini Rice
Mill, Lalapur. In pursuance of the agreement with the BSFC, the
petitioner lifted 12000 quintals of paddy and he had to deposit
8040 quintals of Custom Milling Rice to the BSFC, but the
petitioner delivered only 4851.67 quintals of CMR to the BSFC
and 3188.33 quintals of CMR is lying due against the petitioner,
the price of which comes to Rs. 69,04,519.91/-. The petitioner
gave Rs. 3,63,815/- and now Rs. 65,40,704.91/- is lying due

against the petitioner.

Learned counsel for the petitioner submits that the property of about two crores of the petitioner is mortgaged with the BSFC. The BSFC has already filed a certificate case. The petitioner is still ready to deposit 20% of the aforesaid amount i.e. Rs. 65,40,704.91/- within five months.

Learned counsel for the BSFC, however, vehemently opposed the prayer for anticipatory bail.

It appears that the property of about 2 crores is mortgaged to the BSFC. The BSFC has already filed a certificate case for realization of the aforesaid amount but the petitioner is still ready to pay 20% of Rs. 65,40,704/91/- within five months.

Considering the facts aforesaid, 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, 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 connection with Kudra P.S. Case No. 143 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

If the petitioner fails to deposit 20% of the aforesaid amount i.e. Rs. 65,40,704.01/- within five months, learned court below shall cancel the bail bond of the petitioner.

(Prabhat Kumar Jha, J.)

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