

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 36348 of 2016

Arising Out of PS.Case No. -102 Year- 2016 Thana -KARGAHAR, District- SASARAM (ROHTAS)

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Ram Dular Singh S/o Nathuni Singh, R/o Vill - Sagarpur, P.S. - Kargahar,
District - Rohtas (Sasaram).

.... Petitioner

Versus

1. The State of Bihar.
2. The District Manager, State Food Corporation, Rohtas (Sasaram).

.... Opposite Parties

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Appearance:

For the Petitioner : Mr. Jai Prakash Singh, Advocate

For the Opposite Parties : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 08-09-2016 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 406, 409, 420 of the Indian Penal Code
registered in connection with Kargahar P.S. Case No. 102 of 2016.

3. According to the prosecution, the petitioner received
1300 quintals of paddy for milling and as per agreement he had to
deposit 67% i.e. 871 quintals of CMR rice, but he deposited 537.35
quintals of rice till 30.04.2013 being the cutoff date, and could not
deposit 333.65 quintals of CMR rice worth Rs. 7,22,539.09. The
petitioner however, deposited a sum of Rs. 2,00,000/- with the OP
No. 2 and thus there remained a balance of Rs. 5,22,539.09 to be
deposited by the petitioner.

4. It is submitted that the petitioner, being a rice miller,



has been falsely implicated in what essentially constitutes a contractual dispute and in respect of which Certificate Case No. 82 of 2014-15 has already been initiated against the petitioner for the recovery of the amount said to be due. In any event, the petitioner expresses his readiness to deposit 20% of the remaining balance of Rs. 5,22,539.09 in instalments. It is submitted that similarly situated persons have been granted anticipatory bail by this Court (Annexure-2 series).

5. None appears on behalf of the OP No. 2, State Food Corporation, Rohtas (Sasaram) when the matter is called today.

6. Having regard to the entirety of the facts and circumstances, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Kargahar P.S. Case No. 102 of 2016, subject to the conditions as laid down under Section 438 (2) Cr. P.C.

7. The provisional bail of the petitioner will be confirmed by the learned Court below on deposit of 20% of the due amount of Rs. 5,22,539.09 through bank draft within three months in three equal monthly instalments in favour of OP No. 2 [State Food

Corporation, Rohtas (Sasaram)]. Such deposit shall abide by the final result of the trial.

8. Cr. Misc. No. 36348 of 2016 stands disposed of.

(Vikash Jain, J)

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