

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36391 of 2016

Arising Out of PS.Case No. -28 Year- 2016 Thana -MALI District- AURANGABAD

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Anil Singh, son of Sukhdeo Singh, proprietor of M/s. Ankit Rice Mill,
Resident of village Ganghar, P.S. Mali, Block Naveen Nagar, District
Aurangabad.

.... Petitioner

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies Corporation through the
District Manager, Aurangabad, District Aurangabad.

.... Opposite Parties

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Appearance:

For the Petitioner : Mr. Sumeet Kumar Singh, Advocate

For the Opposite Parties : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 16-09-2016 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 Mali P.S. Case No. 28 of 2016.

3. According to the prosecution, the petitioner received
11,556.83 quintals of paddy for milling and as per agreement he
had to deposit 67% i.e. 7,743.10 quintals of CMR rice, but he
deposited 5,940.00 quintals of rice and could not deposit 1,803.10
quintals of CMR rice worth Rs. 34,31,534/-. The petitioner
however, deposited a sum of Rs. 22,50,000/- with the OP No. 2 and
thus there remained a balance of Rs. 11,81,534/- 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 an FIR has already been
instituted 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. 11,81,534/- in instalments. It is submitted that similarly situated persons have been granted anticipatory bail by this Court in Cr. Misc. No. 33590 of 2016.

5. None appears on behalf of the OP No. 2, [Bihar State Food and Civil Supplies Corporation, through the District Manager, Aurangabad] 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 Judicial Magistrate Ist Class, Aurangabad in connection with Mali P.S. Case No. 28 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. 11,81,534/- through bank draft within three months in three equal monthly instalments in favour of OP No. 2 [Bihar State Food and Civil Supplies Corporation, through the District Manager, Aurangabad].Such deposit shall abide by the final result of the trial.

8. Cr. Misc. No. 36391 of 2016 stands disposed of.

(Vikash Jain, J)

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