

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.29079 of 2016**

Arising Out of PS.Case No. -147 Year- 2016 Thana -KUDRA District- BHABHUA (KAIMUR)

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1. Upendra Kumar Singh Son of Audhaya Singh Resident of village - Lalapur, P.S. Kudra, District - Kaimur

.... .... Petitioner/s

Versus

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

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Viveka Nand Singh, Adv.  
For the BSFC : Mr. Prabhat Kumar Singh, Adv.  
For the Opposite Party/s : Mrs. Reena Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

5      26-10-2016                      Heard both sides.

The petitioner apprehends his arrest in Kudra P.S. Case No. 147/2016, registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

The petitioner lifted 12,000 quintals of paddy in the year 2012-13 and he had to deliver 8040 quintals of Custom Milled Rice (C.M.R.) to the B.S.F.C., but he delivered 5649.47 quintals of C.M.R. only and 2390.53 quintals of C.M.R. is alleged to be misappropriated by the petitioner the cost of which comes to Rs. 51,76,836.15. Out of which petitioner had already deposited Rs. 14,00,000/- to the B.S.F.C. Now only Rs. 37,76,836.15 is lying

due against the petitioner.

Learned counsel for the petitioner submits that immovable property of the petitioner is already mortgaged/pledged to the B.S.F.C the cost of which comes to more than what is lying due against the petitioner even then the petitioner is ready to pay Rs. 6,00,000/- to the B.S.F.C. within four months from today. The B.S.F.C. also filed certificate case for realization of the amount. The amount shall be realized by the B.S.F.C. in accordance with the law.

Learned counsel for the B.S.F.C. however, opposed the prayer for anticipatory bail of the petitioner, but did not deny the factum of pledge/mortgage of the immovable property, the cost of which is more than what is lying due against the petitioner.

Considering the facts aforesaid and the fact that the petitioner is still ready to pay Rs. 6,00,000/- to the B.S.F.C. within four months from today, 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 Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Kudra P.S. Case No. 147/2016,

subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

If the petitioner fails to give Rs. 6,00,000/- to the B.S.F.C. within four months from today learned court below shall cancel the bail bond of the petitioner.

**(Prabhat Kumar Jha, J.)**

Vinita/-

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