

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28888 of 2016

Arising Out of PS.Case No. -286 Year- 2016 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Sunil Sah Son of Thakur Sah, resident of Village- Baghinikala, P.S.- Mohania, District- Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil Supplies Corporation, through its District Manager, Kaimur (Bhabhua)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the BSFC : Ms. Aishwarya Riti, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 05-09-2016 Heard both sides.

The petitioner apprehends his arrest in Mohania P.S. case No. 286 of 2016 under Section 409, 420 of the Indian Penal Code.

The petitioner is owner of Barsha Mini Rice Mill and 10496 quintals of paddy was given to the petitioner during financial year 2011-12. The petitioner has to return 7032.32 quintals of rice but the petitioner handed over only 805.15 quintals of rice. The petitioner is alleged to have misappropriated 6227.17 quintals of rice, price of which comes to Rs. 1,18,51,114.04/-.

It is submitted that petitioner has deposited Rs. 20,50,000/- but still Rs. 98,01,114.04/- is lying due against the

petitioner. It is further submitted that petitioner is ready to deposit 20% of due amount and rest of the amount may be realized by the BSFC in accordance with law.

The learned counsel for the BSFC, however, opposed the prayer for anticipatory bail and submitted that BSFC has moved before the Supreme Court against the order granting bail to the different millers, which were granted by this court on payment of 20% of the due lying against them, but from the facts it appears that there was agreement between the BSFC and the millers and in pursuance of the agreement rice was to be lifted from the rice mills. The Rice Millers and the BSFC made allegation against each other for non performance of part of the agreement but the petitioner is ready to deposit 20% of Rs. 98,01,114.04/- and the BSFC shall be at liberty to realize the remaining amount in accordance with.

Considering the facts aforesaid and the nature of allegations made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned 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 Mohania P.S. Case No. 286 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with a direction to the petitioner to deposit 20% of Rs. 98,01,114.04/- within four months.

If the petitioner fails to deposit 20% of Rs. Rs. 98,01,114.04/- within four months, the learned court below shall cancel the bail bonds of the petitioner.

(Prabhat Kumar Jha, J)

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