

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46558 of 2016

Arising Out of PS.Case No. -197 Year- 2016 Thana -MAKHDUMPUR District- JEHANABAD

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Sunil Sharma Son of Ram Vijay Singh Resident of village- Dharnai, Police
Station- Makhdumpur, District- Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar
2. District Manager, State Food Corporation, Jehanabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 07-12-2016 Heard both sides.

The petitioner apprehends his arrest in Makhdumpur
P.S. Case No. 197/2016, registered for the offences punishable
under Sections 409 and 34 of the Indian Penal Code.

Petitioner being Chairman of Dharnai PACS purchased
1794.40 quintals of paddy and he had to deliver 1202.25 quintals
of C.M.R. to the B.S.F.C., but the petitioner returned only 1022.52
quintals of C.M.R. to the B.S.F.C. till 31.07.2016. 179.73 quintals
of C.M.R. remained lying with the petitioner, the cost of which
comes to Rs. 384938.75.



Learned counsel for the petitioner submits that the petitioner wrote several letters to the Manager, B.S.F.C., Cooperative officer, Commissioner and Collector that the miller did not hand over the C.M.R. due to non-payment of milling charge.

Learned counsel for the B.S.F.C. submitted that it was the liability of the PACS Chairman to deliver the C.M.R. to the B.S.F.C. after getting it milled for which the petitioner got money from the Cooperative Bank. On such, learned counsel for the petitioner submits that petitioner is ready to return Rs. 3,84,938.75 within six weeks.

Mr. Shailendra Kumar Singh learned counsel for the B.S.F.C. did not raise objection.

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 Chief Judicial Magistrate, Jehanabad in connection with Makhdumpur P.S. Case No. 197/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.



If the petitioner fails to deposit Rs. 3,84,938.75 within six weeks from the date of this order, learned court below shall cancel the bail bond of the petitioner immediately thereafter.

(Prabhat Kumar Jha, J.)

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