

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37471 of 2016

Arising Out of PS.Case No. -426 Year- 2016 Thana -SAHARSA District- SAHARSA

1. Hari Shankar Prasad Son of Jagarnath Prasad Prop of M/s Shivam Rice Mill Resident of village - Bhaja Tola, P.S. Paharpur, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. District Manager, Bihar State Food and Civil Supply Corporation Ltd., District Saharsa

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Adv.

For the Opposite Party/s : Mr. Sri Madhuranand Jha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

4 20-10-2016 Heard both sides.

The petitioner apprehends his arrest in Saharsa Sadar P.S. Case No. 426/2016, registered for the offences punishable under Sections 406, 409, 420 and 34 of the Indian Penal Code.

The informant alleged that in the year 2012-13 the petitioner received 8365.78 quintals of paddy and he had to deliver 5605.07 quintals of C.M.R., but the petitioner gave only 2160 quintals of C.M.R. 3445.07 quintals of C.M.R. remained lying due against the petitioner, the cost of which come to Rs. 74,60,512.00. It is alleged that the petitioner deposited Rs. 10,00,000/- and still Rs. 64,60,512.00/- is lying due against the petitioner.



Learned counsel for the petitioner submits that petitioner lifted the paddy in pursuance of the agreement between the B.S.F.C. and the petitioner. The petitioner had agreed to make payment of Rs. 2,00,000/- per month for payment of the entire dues of Rs. 64,60,512.00. The petitioner deposited Rs. 21,00,000/- vide annexure – 3 till 28.04.2016. Petitioner also paid Rs. 2,00,000/- on 24.08.2016, but in the month of May, 2016 the F.I.R. was lodged and that is why the petitioner could not deposit the amount. Petitioner is ready to return the entire amount. Certificate case is also going on.

Nobody appears on behalf of the B.S.F.C.

Considering the facts aforesaid and the fact that before the institution of case the petitioner deposited Rs. 31,00,000 out of Rs. 74,00,000/- and even after the institution of case the petitioner deposited Rs. 2,00,000/- on 24.08.2016 and petitioner is ready to deposit Rs. 10,00,000/- within two months and petitioner shall also pay Rs. 2,00,000/- per month as per the oral agreement arrived at between the petitioner and the B.S.F.C. till payment of the entire amount lying due against the petitioner, 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, Saharsa in connection with Saharsa Sadar P.S. Case No. 426/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

If the petitioner fails to deposit Rs. 2,00,000/- per month as agreed and Rs. 10,00,000/- within two months which had already become arrear since May, 2016, learned court below shall cancel the bail bond of the petitioner.

(Prabhat Kumar Jha, J.)

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