

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38694 of 2016

Arising Out of PS.Case No. -43 Year- 2016 Thana -SUPAUL District- SUPAUL

=====

Smt. Sabita Gupta Wife of Sri Manoj Kumar Gupta Resident of Line
Bazar , P.O. Bhatta Bazar, P.S. K. Hat, District Purnea.

.... Petitioner

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food and Civil Supplies
Corporation Ltd, Supaul.

.... Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Shashi Bhushan Kumar, Adv.
For the B.S.F.C. : Mr. Prabhat Kumar Singh, Adv.
For the State : Mr. J.K. Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 22-09-2016 Heard learned counsel for the petitioner, learned
counsel for the B.S.F.C. as well as learned APP for the State.

2. The petitioner apprehends her arrest for the offences
alleged under Sections 406, 409, 420 and 120B of the Indian Penal
Code registered in connection with Supaul P.S. Case No. 43 of 2016.

3. According to the prosecution, the petitioner received
1051.38 M.T of paddy for milling and as per agreement she had to
deposit 67% i.e. 704.42 M.T of CMR rice, but she deposited 378 M.T.
of rice till 31.12.2013 being the cutoff date, and could not deposit
326.42 M.T. of CMR rice worth Rs. 70,68,820.95.

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 requisition has been
sent by the District Manager, B.S.F.C. Supaul for the recovery of the
amount said to be due. The petitioner further claims to have
deposited a sum of Rs. 23,00,000/- with the OP NO. 2.

5. Having regard to the entirety of the facts and
circumstances of the case, 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 bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 43 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C..

6. The provisional bail of the petitioner will be confirmed by the learned Court below on deposit of 20% of the due amount of Rs. 70,68,820.95 through bank draft within three months in three equal monthly instalments in favour of OP No. 2 (Bihar State Food Corporation, Supaul). Such deposit shall abide by the final result of the trial. It is made clear that the amount found to have already been deposited by the petitioner claimed to the extent of Rs. 23,00,000/- shall be taken into consideration for purpose of computing 20% of the amount to be deposited by the petitioner, subject to verification of payment.

7. Cr. Misc. No. 38694 of 2016 stands disposed of.

Md. Ibrarul/BT

(Vikash Jain, J)

U		T	
---	--	---	--