

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23199 of 2016

Arising Out of PS.Case No. -37 Year- 2015 Thana -DAWATH District- SASARAM (ROHTAS)

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1. Babudhan Choudhary, son of late Sushil Choudhary, resident of village-
Gangati, P.S. Davath, District Rohtas, Proprietor of M/s Lucku Mini Rice
Mill, Kauath Davath, Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dinesh Prasad Singh, son of late Kameshwar Singh, District Manager,
State Food Corporation, Rohtas (Sasaram).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan -Advocate
For the State : Mr. Shashank Shekhar- Advocate
Mr. Rana Randhir Singh-(A.P.P.)
For the B.S.F.C. : Mr. Niraj Kumar-Advocate

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 05-09-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor along with learned counsel

representing the B.S.F.C.

Supplementary affidavit has been filed on behalf of
petitioner, taken on record. Criminal Prosecution in mass scale
were filed on behalf of Bihar State Food and Civil Supply
Corporation at different places, all over Bihar on the ground that
Rice Mill Owners have had misappropriated the paddy/ rice,
which were supplied to them and/ or was to be taken by them from
different centres. Instant case happens to be one of it wherein
allegation has been attributed relating to misappropriation of the



paddy to a tune of Rs.50,04609.16/- paise. Petitioner had moved his prayer for anticipatory bail under A.B.P. No.1070 of 2015 before the learned Sessions Judge, Sasaram, which was allowed by the learned First Additional Sessions Judge, Sasaram vide his order dated 27.06.2015, putting a condition that Rs.25,00,000/- be deposited to the Department through demand draft and further, the rest amount in five equal instalments.

Learned counsel for the petitioner has submitted that the conditions so imposed by the learned lower Court happens to be so onerous that it is difficult to comply with and on account thereof, petitioner would be deprived of from exercising his legal right. Furthermore, it has also been submitted that similar kind of prayer had earlier been made before this Court in Cr. Misc. No.36714 of 2015 and the same was allowed vide order dated 14.12.2015 (Annexure-4).

The learned Additional Public Prosecutor opposed the prayer, however, submitted that necessary order may be passed in terms of Para-6 of Annexure-4.

That being so, the order impugned is set aside. Matter is remitted back to the learned lower Court to consider the prayer of the petitioner afresh on its merit in accordance with law without being influenced by the order impugned.

With the aforesaid direction, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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