

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51379 of 2015

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1. Nand Kishore Kapri sonof Gulabi Kapri @ Shreedhar Kapri, resident of
Village- Pawai, P.S. Amarpur, District- Banka

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manger Bihar State Food Corporation Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra
For the Opposite Party/s : Mr. Shailendra Kumar Singh,

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 09-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 406 and 420 of the Indian Penal
Code.

Petitioner is a miller and used to milling the paddy
which is supplied by the Bihar State Food Corporation
(hereinafter referred to as the Corporation). As per the First
Information report 4000 Quintals paddy was given to the
petitioner for milling but the petitioner has not returned
proportionate quantity of rice to the Corporation. The
Corporation on many occasions asked to deposit the money.
When they have ignored a notice was given which compelled

the Corporation to lodge an FIR.

Learned counsel for the petitioner submits that basically it is a civil dispute and in the agreement there is provision for settling the dispute but in the present case out and out after accountancy the Corporation has given notice to the petitioner.

All the time the petitioner has ignored it. An action of person constitute the criminal liability and civil liability and both can run together and there is no bar for the present case.

Having considered the facts and circumstances of the case, let petitioner, Nand Kishroe Kapri, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 228 of 2015, subject to the conditions to deposit 20% of the amount mentioned in the First Information Report. Further direction is given to the Corporation if the petitioner deposits 20% of the amount to the District Manager, BSFC, Banka through bank draft, it is directed that Corporation will make accountancy within ten days after submitting bill by the petitioner. If after accountancy it is found that any amount is to be returned to the petitioner Corporation will also return the

same in accordance with law even it will be treated to be violation of the order of this Court. If the person concerned who has to make proper calculation of the account is found to be failure to discharge the duty he will be liable for appropriate action in accordance with law. The Corporation is also directed that the Corporation will be obliged to give details of demand to the petitioner but only after deposit of the amount.

Vinay/-

(Shivaji Pandey, J)

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