

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57764 of 2015

Arising Out of PS.Case No. -242 Year- 2015 Thana -MINAPUR District- MUZAFFARPUR

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1. Dinesh Kumar (proprietor of Shivam Rice Mill) S/o Mahesh Lal Sah
village- Prasad, P.O.- Pakhnaha Sriram, P.S.- Meenapur, District-
Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar through Bihar State Food & Civil Supplies
Corporation Ltd.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. P.K.Jha(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 25-01-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 409 and 420 of the I.P.C

Allegedly, the petitioner entered into an agreement
with the District Manager of the Bihar State Food & Civil
Supplies Corporation and picked up 8,444 quintals and 80 kg of
paddy and accordingly he had to return back 67% of paddy as rice
which comes to 5,658 quintals, one kg. and 600 grams but
returned only 540 quintal rice and did not return 5,118 quintals
and 11 kgs of rice inspite of several reminders and in this way
caused loss of Rs. 1,10,83,336/- to the exchequer of the
Government.

Submission is of false implication and that the informant has filed certificate case also, it is a case of breach of agreement and the remedy lies in civil suit, but after filing of certificate case the informant filed this case resulting the petitioner is suffering in custody since 30.09.2015. However, the petitioner is ready to deposit the amount after due calculation.

The learned A.P.P. submits that as the petitioner is ready to deposit the amount after due calculation as such lenient view can be taken.

In the facts and circumstances as stated above, the petitioner is directed to be released on provisional bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Muzaffarpur in Meenapur P.S. Case No. 242 of 2015, with the condition that the petitioner will deposit 20% of the loss amount of Rs. 1,10,83,336/- in the account of the Bihar State Food & Civil Supplies Corporation Ltd. within six months of his release then his provisional bail shall be confirmed by the learned court below itself and accordingly this Criminal Miscellaneous is hereby disposed of.

(Jitendra Mohan Sharma, J)

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