

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43907 of 2015

Arising Out of PS.Case No. -162 Year- 2015 Thana -BATHNAHA District- SITAMARHI

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Shyam Chandra Kumar, S/O-Ram Ekbal Sah, Vill. + P.O.- Haribela, P.S-
Bathnaha, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. District Manager, State Food & Civil Supplies Corporation, Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Roy (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 10-02-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A. P.P. for the State.

Petitioner apprehends his arrest in connection with
Bathnaha P.S. Case No. 162 of 2015 registered for offences
punishable under Sections 406, 409 and 420 of the Indian Penal
Code and Section 138 of the Negotiable Instrument Act.

The prosecution case, as lodged by opposite party no.2,
is that in the year 2012-13, Bihar Government prepared a scheme
to purchase paddy from the farmers and to get prepared rice. The
Bihar State Food and Civil Supplies Corporation was appointed as
Nodal Agency and was authorized to purchase paddy from the
farmers. It is said that in the year 2012-13, petitioner entered into
an agreement with District Manager, Bihar State Food and Civil



Supplies Corporation, Sitamarhi that he will lift paddy from various centers of S.F.C. and after preparing rice, he will deliver the same to the Godowns specified by S.F.C. It is further stated that the petitioner lifted 24,662 quintals of paddy by way of S.I.O. and R.T. Notes. It is said that under the said agreement, petitioner was to deposit 16523.54 quintals of customized milled rice to the Godown of F.C.I, but he deposited only 5230 quintals of rice and remaining 11393.54 quintals of rice was not deposited. It is said that the price of remaining rice is Rs. 2,46,73,394.48. It is said that a cheque was deposited by the petitioner in respect of part due amount which was dishonoured by the Bank. It is said that certificate case is also pending between the parties. On the basis of aforesaid allegation, the present case has been instituted.

It has been submitted by the counsel for the petitioner that a calculation has been made, which has been admitted by opposite party no.2 that petitioner has lifted only 17,567 quintals of paddy for dehusking and the arrear dues upon recalculation is Rs. 1,43,79,080/- . Petitioner has filed a supplementary affidavit showing that he has deposited Rs. 6,50,000/- out of the arrear dues, but submits that the said deposit may be subject to the final calculation and assessment. Petitioner agrees to pay 20% of the arrear dues, as alleged by opposite party no.2, which according to

him, is Rs. 28,75,816/- and he is ready to pay the remaining amount of 20% i.e. Rs. 22,25,816/- within a period of nine months from today. It has further been submitted by the learned counsel for the petitioner that the said deposit will not prejudice the liability of the petitioner during final accounting.

In view of the aforesaid admission and undertaking, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 162 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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