

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35905 of 2016

Arising Out of PS.Case No. -51 Year- 2016 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Manoj Kumar Singh son of Late Ram Vinay Singh, Prop of M/s Tola Birta Bairiya Rice Mill Resident of Village- Birta Bairiya, P.S.- Ramgarhwa, District- East Champaran. Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food Corporation, Motihari, East Champaran. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate
For the BSFC : Mr. Prabhat Kumar Singh, Advocate
For the State : Mr. Anil Kr. Singh No.1 APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER**

3 21-09-2016 Heard both sides.

The petitioner apprehends his arrest in Ramgarhwa P.S. case No. 51 of 2016 under Section 406, 409, 420 and 120B of the Indian Penal Code.

The petitioner lifted 9830.00 quintals of paddy. The petitioner had to deliver 6586.10 quintals of CMR but the petitioner delivered only 3780.00 quintals of CMR and he did not deliver 2806.10 quintals of CMR, cost of which comes to Rs. 60,76,777.92/-. It is alleged that petitioner has deposited only Rs. 55,68,697.92/- and Rs. 5,08080.92/- is lying due against him.

It is submitted that petitioner has already deposited the entire amount and only Rs. 5,08080.92/- is lying due. From perusal of Annexure-2, serial No. 3, it would appear that bill of the

petitioner amounting to Rs. 6,70,553.72/- is lying due against the BSFC. The bill is still pending.

The learned counsel for the BSFC has submitted that a committee has been constituted to look after the genuineness of the bill.

It appears that only Rs. 5,08,080.92/- is lying due against the petitioner but bill of Rs. 6,70,553.72/- of petitioner is pending against BSFC, which is still to be paid.

Considering the facts aforesaid and the nature of allegations made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, East Champaran at Motihari in Ramgarhwa P.S. Case No. 51 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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