

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34561 of 2016

Arising Out of PS.Case No. -67 Year- 2016 Thana -MADHUBANI TOWN District- MADHUBANI

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Manoj Kumar Sah, Son of Babu Saheb Sah, Resident of Mohalla- J.P. Colony, Ward No. 14, P.S.- Madhubani, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food Corporation, Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Rajendra Narain, Sr. Advocate
		Mr. Rajendra Kumar Jain, Advocate
For the State	:	Ms. Gulnar Begum, APP
For the BSFC	:	Mr. Brajesh Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 10-11-2016 Heard learned counsel for the petitioner and the learned counsel for the BSFC as well as the learned counsel for the State.

The petitioner, being the Proprietor of Janki Rice Mill, Narar, Madhubani, is apprehending his arrest in connection with Madhubani (Town) P.S. Case No.67 of 2016 for allegedly having committed the offence under Sections 406, 409 and 420 of the Indian Penal Code.

Mr. Rajendra Narain, learned Senior Counsel appearing for the petitioner submits that though there was no agreement between the State Food Corporation and the present petitioner for milling of rice for the period 2011-12, an F.I.R.



has been lodged, making false and frivolous allegations. It is further submitted that for the period 2011-12, the petitioner was merely a transporting agent and there was no transaction for milling of rice between the parties. The first transaction between the parties came into existence after the period 1.4.2012 onwards, which is explicit from Annexure A appended to the counter affidavit.

Learned counsel appearing on behalf of the BSFC after being queried as to whether there was any provision in the agreement for extension of milling period, he has not been able to produce any such document, but merely asserts that the period 2011-12 was extended to run up to December, 2012.

However, this Court fails to understand as to how the milling work, which was not started on any agreement, which was not entered into by the parties could be extended to December, 2012.

After considering the rival submissions and on perusal of the records of the case, it appears that there is a cloud on the prosecution story. As such, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released 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 Chief Judicial Magistrate, Madhubani, in connection with Madhubani (Town) P.S. Case No.67 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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