

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6128 of 2016

Arising Out of PS.Case No. -187 Year- 2013 Thana -NOKHA District- SASARAM (ROHTAS)

1. Santosh Kumar Son of Late Awadh Nath, Proprietor of M/S Somya Mini Rice Mill, Nokha, District - Rohtas resident of Nokha, P.O. Nokha, P.S. Nokha, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food Corporation, Sasaram, District - Rohtas

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Awadhesh Kumar Singh, Advocate
For the State : Mr. Manoj Kumar-I, APP
For the BSFC : Mr. Awadhesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 10-03-2016 Heard Mr. Krishna Prasad Singh, learned Senior Counsel for the petitioner, Mr. Awadhesh Kumar, learned Counsel for the Bihar State Food Corporation and Mr. Manoj Kumar-I, learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Nokha Police Station Case No. 187 of 2013, disclosing offences under Sections 406, 420 and 120B of the Indian Penal Code.

Learned Senior Counsel appearing on behalf of the petitioner submits that the quantum of amount



allegedly misappropriate by the petitioner as mentioned in the First Information Report is Rs. 5,00,57,724.80/-; whereas, in Certificate Case No. 34 of 2013-14, instituted against the petitioner under the Public Demand Recovery Act, the amount sought to be recovered from the petitioner has been mentioned as Rs. 3,49,84,915.25/-. The petitioner is the owner of a rice mill and allegedly 87976.20 quintals of paddy was made available to him by Bihar State Food Corporation under an agreement that he would be supplying to the Corporation 58944.05 quintals of rice (CMR), but the petitioner, in turn, supplied only 35535.48 quintals of rice (CMR).

Learned Senior Counsel appearing on behalf of the petitioner, upon instructions, submits that the petitioner is ready to deposit a sum equivalent to 20 per cent of the amount sought to be recovered from him through the said certificate proceedings within a period of six weeks from today in order to show his bonafide that he will not flee from the course of investigation or trial. He further submits that in view of the nature of allegation and status of the petitioner, there is no chance that the petitioner shall either tamper with the evidence or flee from the course of justice.

Considering the submission, as above, this application is allowed.

Let the petitioner, Santosh Kumar, in the event of his arrest or surrender before the Court below within eight weeks from today, 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 learned Chief Judicial Magistrate, Sasaram, in connection with Nokha Police Station Case No. 187 of 2013, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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