

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58558 of 2015

Arising Out of PS.Case No. -163 Year- 2015 Thana -MADHUBANI TOWN District- -

1. Domu Sah, son of Sri Chulhai Sao @ Chunchun Sah, resident of Village – Kansi, Simri, Police Station-Simri, in the district of Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Madhubani, Bihar State Food and Civil Supplies Corporation Ltd., Madhubani.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma-Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey-A.P.P.
For the Respondent/s : Mr. Nirmal Kumar &
Mr. Nagendra Prasad-Advocates

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 08-02-2016

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor.

There happens to be an allegation of misappropriation of paddy, which was entrusted to the petitioner, a Proprietor of Rice Mill and as disclosed, petitioner had digested 6599.20 quintals of rice during the Financial Year 2012-13. From Para-7 of the petition, it is evident that petitioner had disputed receipt of 29939 quintals of paddy from the informant which he had corrected as 23507.66 quintals for which he was expected to deliver 15705.13 quintals of rice against which he had supplied 13460.40 quintals of rice. The remaining balance happens to be 2289.73

quintals.

That being so, the learned lower Court is directed to get the aforesaid quantity in consonance with the allegation duly verified by a cogent and reliable document having produced on behalf of respective parties, who will be duly noticed for that purpose and then thereafter, will release the petitioner on depositing of Rs.5,00,000/- (Rs.five lacs) at a time against the due and further, will fix a reasonable amount in terms of instalment, so agreed, amongst the parties and the acceptance of provisional bail will be extended from time to time till the saturation of the whole amount. However, it is made clear that aforesaid deposit will not exonerate the petitioner from the criminal liability.

With the aforesaid observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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