

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33089 of 2016

Arising Out of PS.Case No. -39 Year- 2016 Thana -KAARAMCHAT SAHAYAK District-
BHABHUA (KAIMUR)

Binod Kumar Singh, son of Raj Nath Singh, resident of village- Bijra,
Police Station- Karamchat, District- Kaimur (Bbabua), owner of Jai Madd
Durga Mini Rice Mill, Bijra Code 83.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The State Food Corporation through its Managing Director, Patna,
Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate.

For the Opposite Party/s : Mr. Sri Mustaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 20-08-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Karamchat P.S. Case No. 39 of 2016 registered under Sections
409 and 420 of the Indian Penal Code.

The accusation is that petitioner being the owner of the
Rice Mill took 6516.50 quintal paddy for milling under an
agreement to supply 4366.06 quintal rice but in spite of that only
1886.22 quintal rice was supplied and remaining 2479.84 quintal
rice worth Rs. 53,70,242.31/- could not be supplied by the
petitioner and the petitioner only deposited only Rs.30,00,000/-
and remaining amount of Rs. 23,70,242.31/- is due against him.



Learned counsel for the petitioner submits that as per agreement petitioner has already mortgaged his immovable property, therefore, none supply of rice to the Bihar State Food Corporation has right to forfeit the bank guarantee and take steps for action of mortgaged immovable property. Moreover, it would appear from the F.I.R. that petitioner has already deposited Rs.30,00,000/- and only Rs. 23,70,242.31/- is due against him. Further submission is that petitioner is ready to deposit 50% of remaining amount Rs. 23,70,242.31/- within three months.

Having regard to the facts and circumstances of the case and submission of learned counsel for the petitioner, let the above named petitioner be released on provisional bail for three months, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kaimur at Bhabua, in connection with Karamchat P.S. Case No. 39 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C. If the petitioner submits the receipt regarding depositing of 50% of Rs.23,70,242.31/- within three months in favour of Bihar State Food and Civil Supplies, Corporation Ltd. Patna, the provisional anticipatory bail of the petitioner shall be

confirmed by the court below, failing which the court shall cancel the bail bond of the petitioner.

Accordingly, the application is disposed of.

(Rajendra Kumar Mishra, J)

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