

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45712 of 2016

Arising Out of PS.Case No. -228 Year- 2016 Thana -KUDRA District- BHABHUA (KAIMUR)

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Manik Chand Sah Son of Doma Sah Resident of Village- Lalapur, P.S.-
Kudra, District- Kaimur.

.... Petitioner

Versus

1. The State of Bihar.
2. The Bihar State Food & Civil Supplies Corporation Ltd., Bihar, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Viveka Nand Singh, Advocate.
For the Opposite Parties : Mr. Satyadev Prasad Singh Yadav, APP.
For the B.S.F.C. : Mr. Mayank Shekhar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 28-11-2016 Heard both sides.

The petitioner apprehends his arrest in Kudra P.S. Case No. 228 of 2016, registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

The petitioner is the rice miller. He lifted 8300 quintals of paddy and the petitioner had to deliver 5561 quintals of CMR but the petitioner delivered 3507.57 quintals of CMR and 2053.43 quintals of CMR remained lying due with the petitioner.

Learned counsel for the petitioner submits that cost of remained CMR comes to Rs. 44,46,825.87/-. The petitioner had already deposited Rs. 34,70,000/- and only Rs. 9,76,825.87/- is lying due and the petitioner is ready to deposit 20 percent of Rs. 9.76 lakhs within two months and the remaining amount shall be paid in due course. The

certificate case is also pending for realization of the amount.

Learned counsel for the B.S.F.C. very fairly submitted that the petitioner has deposited bulk of the amount i.e. Rs. 34,70,000/- and for the rest amount certificate proceeding is also going on.

Considering the facts aforesaid and the fact that the petitioner is ready to deposit 20 percent of Rs. 9.76 lakhs within two months and the rest amount shall be paid in accordance with law in certificate proceeding, 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, 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 Chief Judicial Magistrate, Kaimur at Bhabua in Kudra P.S. Case No. 228 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and, if the petitioner fails to deposit 20 percent of Rs. 9.76 lakhs within two months the court below shall cancel the bail bonds of the petitioner.

(Prabhat Kumar Jha, J.)

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