

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29080 of 2016

Arising Out of PS.Case No. -148 Year- 2016 Thana -KUDRA District- BHABHUA (KAIMUR)

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Brajesh Kumar Singh @ Brajesh Kumar Singh Kumar @ Brijesh Kumar
Singh s/o Lalji Singh, R/v – Bhaisawala, P.S. – Kudra, Distt - Kaimur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food & Civil Supplies Corporation Ltd., Kaimur
(Bhabhua)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

5 26-10-2016 Heard both sides.

The petitioner apprehends his arrest in Kudra P.S. Case No. 148/2016, registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

The petitioner lifted 8030 quintals of paddy in the year 2012-13 and he had to deliver 5380.10 quintals of Custom Milled Rice (C.M.R.), but petitioner delivered only 1347.02 quintals of C.M.R. and alleged that he misappropriated 4033.08 quintals of C.M.R. the cost of which comes to Rs. 87,33,876.72. Petitioner gave Rs. 26,00,000/- to the B.S.F.C and now Rs. 61,33,876.72 is lying due against the petitioner.

It is submitted that certificate case is also pending. The petitioner has already mortgaged/pledged immovable property of

worth Rs. 1,38,75,000/- . If the petitioner fails to deposit the money in certificate case the authority of the B.S.F.C. has got option to auction the mortgaged/pledged immovable property of the petitioner the worth of which is more than the due lying against the petitioner. Petitioner even then is willing to give Rs. 12,00,000/- within four months from today.

Learned counsel for the B.S.F.C. however, opposed the prayer for anticipatory bail of the petitioner.

Considering the facts aforesaid and the fact that certificate case is also going on and the immovable property of worth Rs. 1,38,75,000/- is pledged/mortgaged with the B.S.F.C. and the petitioner is willing to deposit Rs. 12,00,000/- within four months from today, 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 Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Kudra P.S. Case No. 148/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

If the petitioner fails to deposit Rs. 12,00,000/- within

four months from today learned court below shall cancel the bail
bond of the petitioner.

(Prabhat Kumar Jha, J.)

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