

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27460 of 2016

Arising Out of PS.Case No. -71 Year- 2016 Thana -RAFIGANJ District- AURANGABAD

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Ajit Kumar Singh S/o Late Shambhu Singh, Proprietor of M/s Chandan Rice Mill R/o Vill Gondhara, P.S. Rafiganj, District-Aurangabad

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.

For the BSFC : Mr. Mayank Shekhar, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4 21-09-2016 Heard both sides.

The petitioner apprehends his arrest in Rafiganj P.S. Case No. 71/2016, registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

The B.S.F.C. gave 22140 Quintals of paddy to the petitioner and petitioner had to deliver 14833.80 Quintals of C.M.R. to the B.S.F.C., but the petitioner handed over only 10800 Quintals of C.M.R. 4033.80 Quintals of C.M.R. remained with the petitioner the price of which comes to Rs. 99,98,015/-. The petitioner deposited Rs. 34,77,963/- before institution of F.I.R. and only Rs. 65,20,052/- is lying due against the petitioner. Petitioner is ready to deposit 20% of Rs. 65,20,052/- within four months and

the B.S.F.C. may realize the remaining amount in accordance with law.

Learned counsel for the B.S.F.C. however, opposed the prayer for anticipatory bail of the petitioner, but at the same time submitted that if the petitioner return 20% of Rs. 65,20,052/- the remaining shall be recovered in accordance with the law.

Considering the facts aforesaid, the petitioner, in the event of his arrest or surrender before the court below within a period of six 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, Aurangabad in connection with Rafiganj P.S. Case No. 71/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C., If the petitioner fails to deposit 20% of Rs. 65,20,052/- within four months from today in the account of B.S.F.C. learned court below shall positively cancel the bail bond of the petitioner.

(Prabhat Kumar Jha, J.)

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