

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40588 of 2016

Arising Out of PS.Case No. -67 Year- 2016 Thana -EKMA District- SARAN

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Jitendra Kumar Mahto son of Shadeo Mahto, resident of village + Post
Office - Parasagarh, P.S. - Ekma, District – Saran Petitioner/s
Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies Corporation Limited, through its
District Manager, Chapra. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Umesh Kumar Mishra, Advocate
For BSFC : Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

4 18-10-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Ekma P.S. Case No. 67 of 2016, disclosing offences under
Sections 406, 409 and 420 of the Indian Penal Code.

The petitioner is the owner of Jai Maa Rice Mill,
Parasagarh. The allegation is that 13,290 quintals of paddy of CMR
was required to be supplied by the miller to the Food Corporation
of India against paddy supplied to him. He failed to make the
supply and in that manner, he misappropriated a total sum of Rs.
1,29,95,288.43. Out of the said amount, the petitioner is said to
have deposited a sum of Rs. 51 lacs and a sum of Rs. 78,95,288.43
is still remaining with him.

Learned Senior Counsel appearing on behalf of the
petitioner has submitted that this is primarily a matter of

accounting and the dispute is civil in nature which has been given colour of a criminal case. He further submits that in any event, the petitioner is ready to deposit the said amount of Rs. 78,95,288.43 within a period of four months from today.

Considering the fair stand taken on behalf of the petitioner, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within four months from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Chapra in connection with Ekma P.S. Case No. 67 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Vats/-c

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