

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38649 of 2016

Arising Out of PS.Case No. -393 Year- 2016 Thana -BANKA District- BANKA

Subodh Kumar Sharma S/o Late Kailash Prasad Sharma R/o Mohalla-
Aliganj, P.S.- Mojahidpur, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corp. Ltd.,
Banka.

.... Opposite Parties

Appearance :

For the Petitioner : Mr. Subodh Prasad, Adv.
For the B.S.F.C. : Mr. Niraj Kumar, Adv.
For the State : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 22-09-2016 Heard learned counsel for the petitioner, learned
counsel for the B.S.F.C. as well as learned APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 406, 420 and 379 of the Indian Penal Code
registered in connection with Banka P.S. Case No. 393 of 2016.

3. According to the prosecution, the petitioner received
3200 quintals of paddy for milling and as per agreement he had to
deposit 67% i.e. 2144 quintals of CMR rice, but he deposited 1890
quintals of rice till 19.05.2016 being the cutoff date, and could not
deposit 254 quintals of CMR rice worth Rs. 5,50,052/-

4. It is submitted that the petitioner, being a rice miller,
has been falsely implicated in what essentially constitutes a
contractual dispute and in respect of which requisition has been
sent by the District Manager, Bihar State Food and Civil Supplies
Corporation Ltd., Banka for the recovery of the amount said to be
due. The petitioner however, claims to have deposited a sum of Rs.
2,00,000/- with the OP NO. 2, and thus there remained a balance of
Rs. 3,50,052/- only. In any event, the petitioner expresses his

readiness to deposit 20% of the said remaining balance of Rs. 3,50,052/- in instalments.

5. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 393 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C..

6. The provisional bail of the petitioner will be confirmed by the learned Court below on deposit of 20% of the due amount of Rs. 3,50,052/- through bank draft within three months in three equal monthly instalments in favour of OP No. 2 (The District Manager, Bihar State Food and Civil Supplies Corporation Ltd, Banka). Such deposit shall abide by the final result of the trial.

7. Cr. Misc. No. 38649 of 2016 stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/BT

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