

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32385 of 2016

Arising Out of PS.Case No. -118 Year- 2016 Thana -RAMGARH District- BHABHUA (KAIMUR)

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Hemant Kumar Singh, son of Awadhesh Singh, proprietor of M/s Maa Kesari Rice Mill, Zorar, Resident of village - Zorar, P.S. - Ramgarh, District - Kaimur (Bhabua).

.... Petitioner

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil Supplies Corporation, through its District Manager, Kaimur (Bhabhua).

.... Opposite Parties

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Appearance:

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Adv.
		Mr. Sumeet Kumar Singh, Adv.
For the B.S.F.C	:	Mr. Prabhat Kumar Singh, Adv.
For the State	:	Mr. Tapeswar Sharma(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 29-09-2016 Heard learned senior counsel for the petitioner and learned counsel appearing on behalf of the Bihar State Food Corporation as well as learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Ramgarh P.S. Case No. 118 of 2016 registered for the offences punishable under Sections 409, 420 and 120(B) of the Indian Penal Code.

Learned senior counsel for the petitioner submits that as per the allegation a sum of Rs. 58, 63,314/- remains due from the petitioner's rice mill. He, however, submits that though it is



recorded in the FIR that Rs.22,00,000/- has been paid, in fact, the petitioner has given Rs.25,00,000/- on the day of FIR but due to inadvertence only Rs.22,00,000/- has been recorded therein. He, however, submits that he is willing and ready to pay 20% of the alleged defalcated amount as stated in the FIR and the amount which has been stated by him subsequently in the supplementary affidavit, if found correct may be adjusted and the said 20% re-calculated from the remaining amount.

In view of the aforementioned submissions and petitioner states that he would pay the 20% as stated by the State Food Corporation, learned counsel appearing on behalf of the State Food Corporation, however, reiterates that the FIR amount is the correct amount but if the petitioner appears and shows the receipts of any further amount, the same would be invariably adjusted and rest 20% would be calculated on the said figure.

In view of the aforementioned submissions advanced by the parties that the petitioner will submit 20% of the alleged defalcated amount within a period of three months from today, let 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, 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 Additional Chief Judicial Magistrate, Kaimur (Bhabua) in connection with Ramgarh P.S. Case No. 118 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is made clear that the petitioner must make himself available before the Bihar State Food Corporation to have the correct amount calculated within a period of three weeks from today. If the petitioner does not co-operate the Bihar State Food Corporation, it shall be open to the Bihar State Food Corporation to take appropriate action.

(Anjana Mishra, J.)

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