

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22695 of 2016

Arising Out of PS.Case No. -17 Year- 2016 Thana -RISHIYAP District- AURANGABAD

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Vikash Kumar Singh @ Vikash Kumar, Son of Ravindra Singh, Proprietor of M/S Nikhileshwar Rice Mill, resident of village-Siwan Bigha, PO +PS-Risiup, District Aurangabad.

.... Petitioner.

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil Supplies Corporation through its M.D., Bihar at Patna.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Sumeet Kumar Singh, Advocate.
For the State : Mrs. Anita Kumari (APP)
For the B.S.F.C. : Ms. Aishwarya Riti, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

8 16-05-2017 Let the supplementary affidavit filed on behalf of the petitioner be kept on the record.

Heard learned counsel for the petitioner and the learned A.P.P. for the State as also the learned counsel appearing on behalf of the B.S.F.C.

The petitioner apprehends his arrest in connection with Risiap P.S. Case No.17 of 2016 registered under Sections 406, 409 and 420 of the Indian Penal Code.

The accusation is that the petitioner being the Proprietor of M/s. Nikhileshwar Rice Mill, Siwan Bigha, Risiap, Aurangabad, received 17,311.35 quintals paddy from the Bihar



State Food Corporation, Aurangabad, to supply 11,598.60 quintals rice to it after milling under agreement but the petitioner supplied only 6480.00 quintals rice to the Bihar State Food Corporation, Aurangabad, and the remaining 51,118.60 quintals rice worth Rs.1,10,84,645/- was not supplied by the petitioner to the Bihar State Food Corporation, Aurangabad. On notice, only Rs.36,00,000/- was paid by the petitioner to the Bihar State Food Corporation, Aurangabad, and the remaining Rs.74,84,645/- is still to be paid by the petitioner to the Bihar State Food Corporation, Aurangabad.

Learned counsel appearing on behalf of the petitioner submits that at the time of agreement in between the District Manager, Bihar State Food and Civil Supplies Corporation, Aurangabad and the petitioner, the petitioner pledged the property worth Rs.1,28,55,000/- in favour of the District Manager, Bihar State Food and Civil Supplies Corporation, Aurangabad, and after lodging of the present case, the petitioner has also deposited Rs.10,00,000/- in favour of the Bihar State Food Corporation, Aurangabad. The petitioner is still ready to pay 20% of the remaining amount of Rs.74,84,645/- within four months in favour of the Bihar State Food Corporation, Aurangabad.

Having considered the facts and the circumstances of the



case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on provisional bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Mahavir Prasad, Judicial Magistrate, First Class, District-Aurangabad, in connection with Risiap P.S. Case No.17 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C., subject to the payment of 20% of the remaining amount of Rs.74,84,645/- to the Bihar State Food Corporation, Aurangabad, within four months from today.

It is made clear that if the petitioner produces the receipt of depositing of 20% of the remaining amount of Rs.74,84,645/- to the Bihar State Food Corporation, Aurangabad, in the trial court within four months from today, the bail bond of the petitioner shall be confirmed by the trial court itself and if the petitioner failed to do so, his bail bond shall be cancelled by the trial court itself.

(Rajendra Kumar Mishra, J)

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