

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48480 of 2016

Arising Out of P.S. Case No. -63 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

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Nand Kishore Singh S/o. Late Ramawtar Singh, Resident of Village-
Lalapur, P.S.- Kudra, District- Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies Corporation, through the
District Manager, Kaimur at Bhabhua.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 11-01-2017 Heard both sides.

The petitioner seeks bail in Kudra P.S. Case No. 063
of 2015 registered under Sections 409 and 420 of the Indian Penal
Code.

Gist of the allegation is that the petitioner lifted 8000
quintals of paddy for milling the same and the petitioner had to
deliver 5360 quintals of rice to the B.S.F.C. in the year 2013-2014
but the petitioner did not give any Chhatank of rice to the B.S.F.C.
The petitioner moved for anticipatory bail in Cr. Misc. No.
24063/2015 and he was granted anticipatory bail vide order dated
10.07.2015 on his undertaking to deposit 25% of the aforesaid
amount within five months from the date of his release but the



petitioner did not deposit the amount. The petitioner deposited only Rs. 5,00,000/- and still Rs. 1,27,00,000/- is due against the petitioner. It is further submitted that the petitioner has already pledged his immovable property worth Rs. 1, 60,00,000/- with the B.S.F.C. and the petitioner is in jail since 20.09.2016. If the B.S.F.C. sells the property of the petitioner to realise the amount, the petitioner has got no objection.

On the other hand, learned counsel for the B.S.F.C. opposed the prayer for bail.

It appears that there was an agreement between the B.S.F.C. and the petitioner as a miller lifted 8000 quintals of paddy for milling and the petitioner had to deliver 5360 quintals of rice to the B.S.F.C. but the petitioner did not deliver any amount to the B.S.F.C. and thereby defalcated the entire amount. As per the agreement, the petitioner has already pledged his immovable property worth Rs. 1, 60,00,000/- and the B.S.F.C. may realise the outstanding amount by putting on auction the immovable property of the petitioner.

Considering the facts aforesaid and the fact that the petitioner is in jail about four months, the above named petitioner 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 the learned Chief Judicial Magistrate, Kaimur
in Kudra P.S. Case No. 063 of 2015.

(Prabhat Kumar Jha, J)

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