

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34308 of 2016

Arising Out of PS.Case No. -186 Year- 2016 Thana -KUDRA District- BHABHUA (KAIMUR)

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Rameshwar Bharti @ Rameshwar Bharati, Son of Ram Naumi Singh,
Resident of Village- Devradh Kala, P.S. Kudra, District- Kaimur, Bhabua.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

8 09-05-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Kudra P.S. Case No.186 of 2016 registered under Sections 409
and 420 of the Indian Penal Code.

The accusation is that the petitioner being the
proprietor of M/s. Satnama Mini Rice Mill and Agro Product,
Lalapur, Kudra-98, received 12000.00 quintals paddy from the
Bihar State Food Corporation, Kaimur (Bhabhua) to return
8040.00 quintals rice after milling but the petitioner only returned
5127.30 quintals rice to the Bihar State Food Corporation, Kaimur



(Bhabhua). The remaining 2912.70 quintals rice worth Rs.63,07,626.61/- was misappropriated by the petitioner and while the petitioner accepted the aforesaid dues but he only paid Rs.28,00,000/- and still Rs.35,07,626.61 is to be paid by the petitioner to the Bihar State Food Corporation, Kaimur (Bhabhua).

Learned counsel for the petitioner submits that the petitioner is ready to pay 25% of the remaining dues of the amount of Rs.35,07,626.61/- within four months to the Bihar State Food Corporation, Kaimur (Bhabhua) subject to outcome of Certificate Case No.78 of 2014-15. Further submission is that the landed property and the house of the petitioner worth Rs.1,90,00,000/- has been pledged by the petitioner in favour of the Bihar State Food Corporation, Kaimur (Bhabhua), which would appear from the agreement entered in between the petitioner and the Bihar State Food Corporation, Kaimur.

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) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, District-Kaimur (Bhabhua), in connection with Kudra P.S. Case No.186 of 2016,



subject to the conditions laid down under Section 438(2) Cr.P.C.,
subject to the payment of 25% of the remaining amount of
Rs.35,07,626.61/- to the Bihar State Food Corporation, Kaimur
(Bhabhua).

It is made clear that if the petitioner produces the
receipt of depositing of 25% of the remaining amount of
Rs.35,07,626.61/- to the Bihar State Food Corporation, Kaimur
(Bhabhua) 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)

P.S./-

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