

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37194 of 2016

Arising Out of PS.Case No. -117 Year- 2016 Thana -BAIRIYA District-
WEST CHAMPARAN (BETTIAH)

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Ajay Prasad @ Ajay Kumar, Son of Sri Lalan Prasad,
resident of Makhauya Chowk, Bairiya, P.S- Bairiya, District-
West Champaran, Bettiah.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd., West Champaran, Bettiah.
3. The Managing Director, Bihar State Food & Civil Supplies Corporation, Bihar.
4. The Principal Secretary, Department of Food & Civil Supplies Consumer, Govt. of Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s :Mr. Shashi Bhushan Kumar, Adv.

For the State :Mr. Aditya Narayan Singh 1, APP

For the BSFC :Mr. Shailendra Kumar Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

10 11-01-2017

Heard the parties.

This application, for grant of anticipatory bail,
arises out of Bairiya P.S. Case No. 117 of 2016, disclosing
offences under Sections 406, 409 and 420 of the Indian



Penal Code.

The petitioner is a rice-miller and the allegation against him is of misappropriation of paddy worth Rs. 58,38,956/-.

It is not in dispute that the entire amount of Rs. 58,38,956/- has been satisfied either by adjustment of bills or payments mode.

Considering the said fact and the submission that there is no likelihood that the petitioner will be tampering with the evidence or fleeing away from the course of investigation, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate, West Champaran, Bettiah**, in connection with **Bairiya P.S. Case No. 117 of 2016**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two



consecutive occasions, his bail bond shall be liable to be cancelled.

It is made clear that it has never been the case of the petitioner that the calculation of said amount of Rs. 58,38,956/- is the correct calculation. The petitioner shall be at liberty to dispute the same in any proceeding including the certificate proceeding or arbitration proceeding, if permissible, in terms of the agreement.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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