

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.606 of 2017

Arising out of PS. Case No. -102 Year- 2016 Thana -PARAIYA District- GAYA

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Wishwajeet Kumar, S/o Sri Baijnath Prasad, Resident of village-Dadapi,
P.S. Paraiya, District- Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Vijay Bharti, Advocate

For the Opposite Party/s : Mr. Md. Ashlam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 11-01-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner, who is in custody, seeks bail in
connection with Paraiya P.S. Case No. 102 of 2016 registered for
offence under Sections 409 and 420 of the Indian Penal Code.

Allegation in brief is that the petitioner being the
Chairman of Bagahi PACS purchased 6342.30 quintals of rice
from farmers and he had to return 4249.14 quintals of rice as
Customed Milled Rice but before lodging of the FIR he had only
deposited 3406.19 quintals of CMR to the State Food Corporation.
It is also alleged that the S.F.C. extended the period for depositing
the CMR by 31.7.2016

Learned counsel appearing on behalf of the petitioner
submits that petitioner is the Chairman of the PACS and he had



entered into an agreement with rice miller for milling but the miller did not return back the remaining CMR so the petitioner could not deposit it with S.F.C. The only fault of the petitioner is that he did not file a case against the miller under the Public Demand Recovery Act or lodged F.I.R. with the Police. Learned counsel further submits that the petitioner is ready to pay the cost of remaining CMR which in total comes to Rs. 17,74,368.10 paise and as the first instalment he is willing and ready to deposit 30 per cent of the amount and rest in equal monthly instalments.

Considering the aforementioned facts and circumstances, the petitioner, named above, is directed to be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Gaya in connection with Paraiya P.S. Case No. 102 of 2016 subject to his depositing first a Bank draft of Rs. Five lakh thirty two thousand three hundred ten and ten paise and remaining amount in two equal instalments in succeeding months. In case of failure to deposit any instalment the bail bond will be cancelled.

This order would be without prejudice to the petitioner in trial.

(Arun Kumar, J)

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