

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59189 of 2017

Arising Out of PS.Case No. -240 Year- 2017 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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Santosh Kumar Jaiswal, aged about 48 years, Son of Sri Bishwanath Jaiswal, Resident of Purani Bazar, Narkatiyaganj, P.S.- Shikarpur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation, West Champaran, Bettiah.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate.
For the State : Mr. Rabindra Kumar, A.P.P.
For the BSFC : Mr. Niraj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 06-02-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Shikarpur**
P.S. Case No. 240 of 2017 instituted for the offence under
Sections 409 and 420 of the Indian Penal Code.

There is allegation against this petitioner that he did
not deposit the cost of CMR of 2165.56 quintal of rice amounting
to Rs.21,34,434.41/-

Learned counsel for the petitioner has submitted that
Certificate Case was also filed against the petitioner and after
demand notice dated 6.5.2014, the petitioner has already deposited
amount of Rs.15,00,000/-. The petitioner is a rice miller and his



bill is also pending with BSFC. It has further been submitted that matter has already been referred to Arbitration Proceeding vide Request Case No. 255 of 2017 which has been disposed off by this Hon'ble Court vide judgment dated 8.12.2017. Petitioner is ready to make payment of due amount after proper accounting, as per Annexire-5 subject to the final decision in the Arbitration Proceedings.

Learned counsel for the BSFC has appeared and submitted that petitioner may be directed to make payment of remaining dues amount after proper accounting.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Shikarpur P.S. Case No. 240 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, West Champaran, Bettiah/Special Judge, Chapra**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate



in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

S.Ali/-

(Sanjay Priya, J)

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