

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52437 of 2018

Arising Out of PS. Case No.-31 Year-2015 Thana- PARASBIGHA District- Jehanabad

Uday Prasad Sharma, Son of Shree Raja Ram Sharma, Resident of Village-
Basantpur, P.S.- Sakurabad, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. District Manager, Bihar State Food Corporation, Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar
		Mr. P.K. Sahi
For the Opposite Party/s :		Mr. Parmeshwar Mehta
For the B.S.F.C.		Mr. Harish Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 06-12-2018 Heard the parties.

The petitioner seeks regular bail in connection with Parasbigha P.S.Case NO.31 of 2015 registered for offences punishable under Sections 420, 409, 120(B) of the Indian Penal Code and Section 7 of the Essential Commodities Act.

Allegation as per FIR is that the petitioner was supplied 11690 quintal paddy for supply of 67 % CMR of rice which comes total 7832.57 quintal out of which he has deposited 4320 quintal and defalcated the cost of 3512.57 quintal CMR which comes to Rs.76,06,681/-.

Submission of the learned counsel for the petitioner is that as per direction of the Apex Court, the petitioner has to



deposit bank guarantee or the same shall be realized from the properties pledged by the petitioner and he has pledged the properties which are of more than Rs. 1 crore.

Further submission is that in this case an Arbitrator has also been appointed to assess the liability of the petitioner.

Supplementary Counter Affidavit has been filed by the learned counsel for the B.S.F.C. and Annexure 'B' is the report of the C.O., Jehanabad that shows that the property comes to value of more than crores.

Heard learned A.P.P. also.

Having heard both sides and B.S.F.C. is free to recover the amount from the property pledged by the petitioner, in such view of the matter, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Pramdai Miller, Judicial Magistrate 1st Class, Gaya in connection with Parasbigha P.S.Case No.31 of 2015 with condition that if the property as pledged is not free from any encumbrance or value is less than that, he has to deposit the bank guarantee to amount, which is found less.



It is needless to say that the petitioner has to co-operate in sale of the property and that will be subject to decision of the Arbitration.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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