

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59672 of 2017

Arising Out of PS.Case No. -234 Year- 2017 Thana -DARBHANGA SADAR District-
DARBHANGA

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Sanjay Kumar Jha, son of Shatrughan Jha, Prop. Mithila Rice Mill
Industrial Area, r/o village Haripur, P.O. Haripur, P.S. Bahera, Distt.
Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
 2. The District Manager, Bihar State Food Corporation, Distt. Darbhanga.
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra, Advocate.
For the BSFC : Mr. Shailendra Kumar
For the Opposite Party/s : Mr. Aditya Narayan Singh 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

9 02-04-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Sadar P.S.**

Case No. 234 of 2017 instituted for the offence under Section 409
of the Indian Penal Code.

It is alleged in the written report that informant
supplied 1762 quintal of paddy to the petitioner which after
milling was to be returned back to PACS up to 31.07.2016. Out of
which 293 quintal CMR was not supplied and even price of paddy
was not paid to the farmer. It has further been alleged that despite
repeated demand, petitioner did not supply CMR to the PACS.

Learned counsel for the petitioner during course of
argument has submitted that as per agreement, rice was to be



supplied after receiving paddy, but the petitioner has not supplied the same.

Learned counsel for the informant was directed by this Court vide order dated 27.02.2018 to file counter affidavit to show that total 1762 quintal paddy was supplied for milling to the petitioner.

Learned counsel for the informant has filed counter affidavit wherein he has filed various receipts given by petitioner in support of receipts of paddy which has been enclosed as Annexure-B to the counter affidavit. Those documents bear signature of the petitioner. From Annexure-B to the counter affidavit it appears that total 1772.10 quintal of paddy was supplied to the petitioner.

Learned counsel for the petitioner however denied about receiving of aforesaid quantity of paddy. He has submitted that he has received approximately 1300 quintal of paddy.

This Court is of the view that such dispute can only be considered during trial. At this stage, this Court does not find it a fit case for grant of anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the court below and



make prayer for regular bail.

(Sanjay Priya, J)

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