

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46104 of 2018

Arising Out of PS.Case No. -41 Year- 2016 Thana -SHIWAPATHI District- MUZAFFARPUR

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Bhushan Prasad, S/o Jagdish Prasad, R/o Vill.- Purani Pakari, P.O.-
Chatusri, P.S.- Shivaipatti, District- Muzaffarpur, Prop of M/S- Jai Laxmi
Rice Mill.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food & Civil Supplies Corporation Ltd., Khadya
Bhawan, Daroga Prasad Path, R- Block, Road No. 2, Patna-800001.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Prakash Sharma, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 29-08-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 31.10.2017 in
connection with Shivaipatti P.S. Case No.41 of 2016 registered
for the offence under Sections 409 and 420 of the Indian Penal
Code.

The allegation against the petitioner is that the
petitioner had entered into an agreement with the Bihar State
Food and Civil Supplies Corporation Limited, Muzaffarpur to
mill the paddy for the Kharif Marketing Season 2012-13 and
accordingly he received total 405 quintal paddy from different
Purchase Centres of Muzaffarpur. It is submitted that as per the



agreement, the petitioner was to deliver 67% CMR i.e. 271.35 quintal of rice by 31.12.2013 to S.F.C., but the petitioner has failed to deliver the same, resulting in revenue loss to the tune of Rs.5,87,624.71. It is under such circumstances that the petitioner is facing prosecution and has been languishing in jail.

Learned counsel for the petitioner submits that the entire allegation is false and misconceived and the petitioner will explain the circumstances for such non-delivery of CMR, if he is granted the privilege of bail. It is further submitted that the petitioner is not having any criminal antecedents and has been languishing in jail for more than ten months and, therefore, he may be extended the privilege of bail.

In view of such submissions and the petitioner is also not having any criminal antecedent, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IX, Saran at Chapra, in connection with Shivaipatti P.S. Case No.41 of 2016.

(Anjana Mishra, J)

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