

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60210 of 2017

Arising Out of PS. Case No.-440 Year-2016 Thana- FATUHA District- Patna

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Soni Kumar @ Saurabh Kumar Son of Akhilesh Kumar Navin Proprietor M/S
Pooja Food Processing Mill Pvt. Ltd., Fatuha, P.S. - Fatuha, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food & Civil Supplies Corporation Ltd, Patna.
3. The District Manager, The Bihar State Food & Civil Supplies Corporation Ltd. Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Vidhan Chandra Pathak
For the Opposite Party/s :	Mr. Sri Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 16-05-2018 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail

in connection with Fatuha P.S. Case No. 440 of 2016 registered

for the offence punishable under Sections 406 and 420 of the

Indian Penal Code.

The case of the prosecution is that the petitioner

herein, the owner of M/s Pooja Food Processing Pvt. Ltd.,

Fatuha, Patna had entered into an agreement with the Bihar

State Food and Civil Supplies Corporation, Patna for the

purposes of processing paddy and returning back 67% CMR to

the Food Corporation Ltd., however, after taking 2850 quintal of



paddy, the petitioner herein with malafide intention returned back only 1350.24 quintal of CMR as against the total quantity of 1909.5 quintal and in the process, misappropriated 559.25 quintal of CMR amounting to a sum of Rs. 10, 64, 335.00. The petitioner had then deposited a sum of Rs. 5,00,000/-, however, a sum of Rs. 5,64,335/- has been misappropriated by the petitioner.

At the outset, the learned counsel for the petitioner has submitted that the petitioner is willing to abide by the judgment of the Hon'ble Apex Court rendered in SLP (Cri.) No. 1779 of 2016 and other analogous cases (State of Bihar Vs. Divesh Kumar Chaudhary and Anr. etc.) whereby and whereunder the accused in all such cases, like the present one, are required to furnish bank guarantee for the value of paddy.

In view of the aforesaid, it is directed that the petitioner shall furnish bank guarantee for a sum of Rs. 5,00,000/- before the District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Patna within a period of six weeks from today. It is further directed that in case, such a bank guarantee is furnished before the Opposite Party No. 3 and the petitioner surrenders before the learned Judicial Magistrate, 1st Class, Patna City, Patna within the same period and shows the



proof of furnishing the aforesaid bank guarantee, the learned Judicial Magistrate, 1st Class, Patna City, Patna shall enlarge the petitioner on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to his satisfaction in connection with Fatuha P.S. Case No. 440 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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