

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61503 of 2018

Arising Out of PS. Case No.-121 Year-2017 Thana- DARBHANGA SADAR District-
Darbhanga

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Anand Bhushan, Son of Sri Laxmi Nayak, Resident of Mohalla-Industrial Area Donar, P.O.-Kabir Chak, P.S.-Sadar, District-Darbhangha, proprietor M/s Anand Industries Mill, at Industrial Area Donar, P.O.-Kabir Chak, P.S.-Sadar, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food & Civil Supplies Corporation, Patna, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No 13, Advocate
		Mr. Rohit Kumar, Advocate.
For the Opposite Party/s :		Mr. Parmeshwar Mehta, APP
For O.P. No. 2(BSFC)	:	Mrs. Narmata Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 20-11-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 409 of the Indian Penal Code.

Allegation against the petitioner, who is a rice miller, is that he was supplied with paddy in the year 2011-12 for milling purpose, but he did not deposit the rice in the State Food Corporation equivalent to the paddy supplied.

Submission of the learned counsel for the petitioner is that Annexure-2 is the statement of the accounts prepared by the Bihar State Food Corporation in the matter of due amount against different



millar and Column-4 would show that nothing remains due with the petitioner after adjustment of milling and transportation charges.

Though the Food Corporation in his counter affidavit has disputed the aforesaid fact, however, it is not specific that statement made in Annexure-2 is not a genuine statement furnished by the Bihar State Food Corporation nor the counter affidavit is specific as to whether any excess amount is due with the petitioner.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court-below where the case is pending in connection with Darbhanga Sadar Police Station Case No. 121 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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