

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11325 of 2019**

Arising Out of PS. Case No.-245 Year-2018 Thana- GOH District- Aurangabad

SURESH PRASAD YADAV Son of Late Basudeo Yadav Resident of Village
- Pakri,

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

5 08-05-2019

This application, for grant of anticipatory bail, arises out of Goh P.S. Case No. 245/18, disclosing offences under Sections 406 and 420 of the Indian Penal Code.

Allegation as per F.I.R. is that informant, who owns a rice mill received 11,436 quintal of paddy for milling from Wyapar Mandal, Goh, for which an agreement was entered into the parties and as per agreement Rs. 85 per quintal was fixed as milling and transporting cost. Thereafter, the informant after milling supplied the CMR of 7662.12 quintal to the SFC godown of Wyapar Mandal and approached the petitioner, who is president of said Wyapar Mandal to pay the wages to the tune of Rs. 6,51,280.20/-, on which, he issued a cheque of Rs. 6,51,280/-, however, the said cheque was not signed by the Secretary and due to which, the same could not be encashed.



Submission of learned counsel for the petitioner is that the petitioner is only entitled for the milling charges at the rate of Rs. 10 per quintal and on that basis the petitioner has already issued a cheque of Rs. 1,14,361/-. and the petitioner has no liability to deposit the money at the rate of Rs. 85 per quintal. However, after some argument learned counsel for the petitioner agreed to pay half of the disputed amount, which is about Rs. 3,25,000/- subject to the outcome of case, if he is given some reasonable time.

Heard learned A.P.P. as well as learned counsel for the informant. Learned counsel for the informant draws the attention of this Court towards the agreement, which has been entered into between the parties, in which, it has been mentioned that the informant will charge Rs. 85 per quintal for milling and transporting.

Having heard both sides, considering the facts and circumstances of the case, his application is disposed of with direction to the petitioner to surrender before the court below within a period of six weeks along with a demand draft of Rs. 1,25,000/- (Rs. One Lakh Twenty Five Thousand) drawn in favour of the informant and the court below after verifying the same shall release the petitioner on provisional bail to his own



satisfaction for a period of three months on furnishing bail bonds of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of like amount with condition that petitioner shall pay the remaining admitted amount of Rs. 2,00,000/- (Rs. Two Lakhs) in two equal installments and on payment of Rs. 3,25,000/- the court below shall confirm the provisional bail of the petitioner otherwise he will cancel the provisional bail of the petitioner.

The aforesaid amount so deposited shall be released in favour of the informant and the entire amount in dispute will be subject to the final outcome of the case.

(Vinod Kumar Sinha, J)

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