

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16430 of 2019

Arising Out of PS. Case No.-492 Year-2018 Thana- ARA NAWADA District- Bhojpur

MUKESH KUMAR SINGH (Prop. Mai Durga Rice Mill) S/O Rajdeo Singh,
Resident of Village Bag Majhawa P.S. Koilwar District Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 22-07-2019 Heard leaned counsel for the petitioner and the
leaned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Ara Nawada P.S. Case No. 492 of 2018, registered under Sections 420, 467, 468, 471 and 406 of the Indian Penal Code, pending in the court of the Chief Judicial Magistrate, Ara Bhojpur.

The accusation is that petitioner being the Proprietor of Mai Durga Rice Mill had furnished the bank guarantee of Rs. Five Lakhs for returning C.M.R after husk of supplied paddy. But, the petitioner did not return the CMR as per agreement of State Food Corporation, Bhojpur Ara and also received the amount of Bank guarantee, fraudulently, from Bank of India.



Learned counsel appearing on behalf of the petitioner submits that regarding non-supply of rice after husking by the petitioner Udwant Nagar P.S. Case No. 30 of 2015 was instituted on 10.01.2015, under Sections 406, 409 and 420 of the Indian Penal Code on the basis of fardbeyan of Sumeshwar Pandey, District Manager, SFC, Bhojpur and the present case is related only about withdrawing of security amount Rs. Five lakhs. Further submission is that, in fact, amount of bank guarantee was taken by Gupteshwar Singh, who was guarantor due to that reasons, the petitioner has filed Complaint Case No. 1128 (C) of 2019 against Kumar Abhisekh @ Monu, Gupteshwar Singh, Pradip Kumar Gupta and others.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial Court within four weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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