

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63805 of 2018

Arising Out of PS. Case No.-29 Year-2017 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

Rabindra Rai @ Ravindra Ray (Proprietor, Govind Rice Mill, Karauti Bazar)
S/o Subhash Rai, Resident of Village- Karauti Bazar, P.S.- Uda Kishunganj,
District- Madhepura.

... .. Petitioner

Versus

1. The State Of Bihar
2. Wakil Sharma (Chairman Naya Nagar PACS), S/o Kamleshwari Sharma,
Resident of Village- Navtol, P.S. Udakishganj, District- Madhepura.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Pawan Kumar, Advocate
For the State	:	Mr. Chandrasen Prasad Singh, APP
For Opposite Party No.2	:	Mr. Shashi Bhushan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

6 13-03-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 406 of the Indian Penal Code registered in
connection with Complaint Case No. 29 of 2017.

3. It is submitted that the petitioner has been falsely
implicated and in any event the petitioner, who is the proprietor of
Govind Rice Mill, Karauti Bazar, expresses his readiness to make
payment of the outstanding amount towards non-supply of CMR. It
is submitted that the petitioner has been made accused in other
similar cases but however, he is already making payments of the
outstanding amounts in respect of those cases.

4. Learned counsel for the opposite party no. 2
(Chairman Naya Nagar PACS) submits that out of 1079.75 quintals
of paddy supplied to the petitioner, 723.43 quintals CMR was due out
of which the petitioner supplied 150 quintals CMR and thus is liable
to pay Rs. 13,10,860.98 towards the cost of remaining 573.43
quintals of CMR not supplied. It is stated that the petitioner would be



entitled to milling charge of Rs. 10,795.50 thereby leaving the amount of Rs. 13,00,000/- (in around figure outstanding) against the petitioner.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Udakishunganj, District Madhepura in connection with Complaint Case No. 29 of 2017, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

6. The provisional anticipatory bail granted to the petitioner shall stand confirmed subject to the condition that the petitioner shall make payment of outstanding amount of Rs. 13,00,000/- in four equated monthly installments, first of which shall be paid by 1st April, 2019 and thereafter by 10th day of each succeeding months. In case the petitioner fails to make payment of any two consecutive installments, his bail bond shall stand automatically cancelled.

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(Vikash Jain, J)

