

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61474 of 2018

Arising Out of PS. Case No.-349 Year-2016 Thana- MADHEPURA
COMPALINT CASE District- Madhepura

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

... .. Petitioner

Versus

1. The State Of Bihar
2. Shambhu Nath Thakur (PACS Chairman) S/o Late Shiv Nandan Thakur Resident of Village-Laskari, P.S.-Uda-Kishunganj, District-Madhepura.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Pawan Kumar, Advocate.
For the Opposite Party: APP
For the O.P. No. 2 : Mr. Gopal Kumar Jha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 21-02-2019 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. 349 of 2016.

3. It is submitted that the petitioner has been falsely implicated on the accusation that the petitioner had furnished receipt of only 3226.90 quintals of paddy as against 3839.23 quintals of paddy supplied to him and as such the petitioner did not acknowledge receipt of 612.33 quintals of paddy. It is submitted that as a matter of fact, the petitioner had only received 3226.90 quintals of paddy out of which he had already



delivered 1225 quintals of CMR after milling of 1828.35 quintals of paddy. As such the remaining amount of paddy with the petitioner comes to 1398.55 quintals only, the value of which calculated @ Rs. 1410/- per quintal according to the agreement, comes to Rs. 19,71,955/-, which the petitioner expresses readiness to deposit into the complainant- PACS' account.

4. Learned counsel for the complainant (PACS Chairman) opposes the anticipatory bail petition, submitting that the petitioner did not furnish acknowledgment receipt in respect of 612.33 quintals of paddy despite repeated request.

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 bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Uda-Kishunganj, District- Madhepura in connection with Complaint Case No. 349 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That the petitioner shall deposit a total amount of Rs. 19,71,955/- in six equated monthly instalments each before the end of each successive month commencing from February, 2019 in the relevant bank account of the concerned PACS.



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

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

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) 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 bail shall stand confirmed upon deposit of the entire amount being made by the petitioner within the stipulated period. It is made clear that default in making payment of two consecutive instalments shall result in automatic cancellation of provisional bail of the petitioner.

(Vikash Jain, J)

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