

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20045 of 2020

Arising Out of PS. Case No.-15 Year-2014 Thana- MADHUBANI TOWN District-
Madhubani

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Raman Kumar Jha Son of Girindra Mohan Jha @ Girendra Mohan Jha
Resident of Village - Navtoli, P.S.- Arer, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr.Nilesh Kumar, Advocate
For the State	:	Mr.Parmeshwar Mehta, APP
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 17-08-2020 The Court proceeding has been conducted through
virtual mode.

Heard Mr. Ajay Kumar Thakur, learned counsel
for the petitioner and Mr. Shailendra Kumar Singh, learned
counsel appearing for the BSFC.

Since the court proceeding in physical mode is
non-functional, due to present pandemic, COVID-19, the matter
is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.



The petitioner is languishing in custody since 24.12.2018 in a case registered for the offences punishable under Sections 406, 420 and 409 of the Indian Penal Code, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of District Manager, State Food Corporation, Madhubani dated 13.01.2014 submitted to the Station House Officer, Town P.S., Madhubani, is to the effect that the petitioner entered into an agreement with Bihar State Food Corporation on 30.12.2011 when 7878.59.000 quintals of paddy was supplied to the petitioner. The petitioner was supposed to supply 5278.65.530 quintals of Custom Milled rice (CMR) but the petitioner supplied only 2669.86.800 quintals and failed to supply 2308.78.730 quintals of Custom Milled Rice causing loss worth Rs.55,48,927/-.

It is submitted by learned counsel for the petitioner that as per the terms of agreement that it was upon the BSFC to collect the custom milled rice from the mill but due to the inaction of the BSFC the custom milled rice, remained lying in the mill of the petitioner and the security money deposited by the petitioner has not been returned to the petitioner till date.



The investigation has already been concluded. Though the petitioner is accused in four other cases of similar nature but he is on bail in those cases.

Mr. Shailendra Kumar Singh, learned counsel appearing for the BSFC submits that more than Rs. Fifty five lakhs has not been deposited by the petitioner for non-supply of less custom milled rice, hence, he cannot be escaped from the liability of amount involved.

Considering the fact that the investigation has already been concluded and in other cases the petitioner has already been granted bail, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Judicial Magistrate, Ist Class, Special Court, Darbhanga in connection with Madhubani Town P.S. Case No. 15 of 2014.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.



The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Special Court, Darbhanga in connection with Madhubani Town P.S. Case No. 15 of 2014.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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