

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9335 of 2024

Arising Out of PS. Case No.-1015 Year-2016 Thana- COMPLAINT CASE District- Banka

Subodh Kumar Sharma @ Subodh Mistri S/O Sri Kailash Prasad Sharma R/O Mohalla- 102, Gangati Road, Kali Asthan, Aliganj, P.S- Mojahidpur (Kutubganj), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Arun Kumar Singh S/O Late Banarshi Prasad Singh R/O Village- Sanchak, P.O- Sanchak Rangodha, P.S- Dhoraiya, Distt.- Banka.
3. The District Manager, Sfc, Banka

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Chandra Shekhar Sharma
For the State	:	Mr.Lalan Kumar
For the O.P.2	:	Mr.Dharmendra Kumar
For the BSFC	:	Mr.Shailendra Kr. Singh / Mr. Utkarsh Utpal.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

12 07-10-2024 Heard learned counsel for the petitioner, State and informant/opposite party no. 2.

2. The petitioner apprehends his arrest in a complaint case punishable for the offence under Sections 420, 406, 504, 506 of the Indian Penal Code.

3. The prosecution case, in brief, is that petitioner, being proprietor of M/s Maa Kali Rice Mill, Aliganj, Bhagalpur, whereas informant is PACS Member, Sainchak and allegation against petitioner is that he took 1904.44 quintal paddy from the godown of informant and as per agreement, petitioner had to give 67% rice in lieu of aforesaid paddy to the informant, but the petitioner did not give aforesaid rice to the informant and due to that, informant suffered a loss of Rs. 31,61,370/-.



4. Learned counsel for the petitioner submits that petitioner denies the prosecution case and states that he has already deposited 67% C.M.R. as per direction of S.F.C., Banka. However, at this stage, without admitting his guilt, the petitioner is ready to deposit **Rs. 5,50,052/- (Rupees five lacs fifty thousand fifty two)**, as per statement made in paragraph 6 of the counter affidavit filed on behalf of opposite party no. 3, in easy installments, for which, learned counsel for the opposite party no. 3 does not oppose.

5. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate – I, Banka in connection with Complaint Case No. 1015 of 2016, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further following conditions:

“(A) At the time of furnishing bail-bond, the petitioner shall deposit **Rs. 3,00,000/-** (Three lacs) in the office of District Manager, S.F.C., Banka / concerned office and receipt of the same shall be furnished alongwith bail-bond.

(B) Rest amount i.e. **Rs. 2,50,052/-** (Two lacs



fifty thousand fifty two) shall be deposited in the concerned office in three installments within a period of nine months from the date of furnishing bail-bond.

(C) If petitioner fails to comply the direction of this Court, the learned Court below would be at liberty to cancel the bail-bond of the petitioner.”

6. This order has been passed, without going into the merit of the case, only for the purpose of considering the prayer for anticipatory bail of petitioner.

(Prabhat Kumar Singh, J)

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