

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59599 of 2024

Arising Out of PS. Case No.-632 Year-2023 Thana- GAURICHAK District- Patna

Satish Kumar S/o Parmanand Sao R/o Mohalla - Rajeev Nagar, P.s. - Rajeev Nagar, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ankit Kumar Singh

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 30-04-2025 Heard learned counsel for the petitioner, and the State.

2. Petitioner apprehend his arrest in connection with Gaurichak P.S.Case No. 632 of 2023 registered for the offences punishable under Sections 379 and 420 of the Indian Penal Code.

3. The prosecution case in the FIR is with regard to misappropriation of 103.237 tons of rice which have been given by the informant, who is the proprietor of the Company Shree Balaji Empress (Ormanji Ranchi) which was given to the petitioner Satish Kumar for the purpose of polishing the rice.

4. Learned counsel for the petitioner submits that the present petitioner is rice miller and the allegation made in the FIR is with regard to non supply of the rice allotted to the informant i.e. 103.237 tons of rice amounting to total Rs. 55,12,643/- It has also been submitted that the FIR itself,



disclosed that the rice had been stolen from the mill of the petitioner and as a matter of fact, the petitioner had purchased rice from one Surya Rice Mill and the petitioner has already paid the dues to the broker Ravindra Khetan. The copy of the statement of the account has been brought on record as Annexure-P-2. It has further been submitted that during the course of investigation, neither the informant nor any witnesses have been able to show any paper or any document with regard to transaction between the informant and the petitioner. The petitioner has two criminal antecedent in which he is on bail.

5. Learned APP for the State and learned counsel for the opposite party oppose the prayer for bail on the ground that petitioner has misappropriated the rice and has not paid the amount due to the informant. However, the informant has not been able to produce any document bilty etc. to demonstrate the transaction between the informant and the petitioner.

6. Taking into consideration the rival contentions of the parties and also considering that the case is primarily of civil nature, the provisional bail granted to the petitioner vide order dated 19.09.2024 is hereby, confirmed.

N.K/-

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(Soni Shrivastava, J)

