

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.28853 of 2016**

Arising Out of PS.Case No. -130 Year- 2016 Thana -CHAINPUR District- BHABHUA (KAIMUR)

1. Bir Bahadur Singh @ Birbahadur Singh Son of Bajrang Singh, Resident of Village- Maliksarai, P.S- Chainpur, District- Kaimur (Bhabhua)

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. The Bihar State Food and Civil Supplies Corporation, through its District Manager, Kaimur (Bhabua).

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sri Narsingh Tanti, APP.

**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR**  
**MANDAL**  
**ORAL ORDER**

7 30-11-2016

Heard Mr. Sumeet Kr. Singh learned counsel for the petitioner Mr. Niraj Kumar for the Corporation and Mr. Narsingh Tanti, learned A.P.P. for the State.

Petitioner apprehends his arrest in Chainpur P.S. Case No. 130 of 2016, registered under Sections 409 and 420 of the Indian Penal Code lodged by the District Manager of the Corporation alleging that for the year 2012-13 the petitioner being the rice mill owner was supplied, under an agreement, 8000.00 quintals of paddy. He wants to return 5360 quintals of rice(C.M.R.). The petitioner only deposited 1887.84 quintals of C.M.R. However, subsequently on notice the petitioner deposited a sum of Rs. 12,03,000/- with the Corporation. It is alleged that the petitioner by not depositing the C.M.R., or on paying the equivalent value thereof misappropriated a sum of Rs. 63,16,170.81/-

Contention of the petitioner is that the collection has been made on the basis of two Store Issue order(s) (SIO) one of them was not even signed by the petitioner. The Corporation has, in fact, lodged another criminal case against an employee of the Corporation. The opposite party (the Corporation) was also required



to adjust the transportation charges incurred by the petitioner which has not been done. It is further, submitted that for securing the privilege of anticipatory bail the petitioner would be willing to deposit certain percentage of the alleged defaulted amount as reflected in the F.I.R., subject to result of the case and without prejudice to his right and contention in this case. He further submits that on such conditions several other accused facing identical accusations have been granted the privilege of anticipatory bail.

Learned counsel for the Corporation has not disputed the contention of the petitioner that few other accused persons on certain conditions have been granted anticipatory bail.

Considering the facts and circumstances of the case, this court directs in the event of arrest/surrender within five weeks, the petitioner, shall be released on provisional bail for a period of three months on furnishing bail bond of Rs. 15,000/-(Fifty thousand) with two sureties of the like amount to the satisfaction of Learned A.C.J.M., Kaimur P.S. Case No. 130 of 2016 subject to the condition that along with the bail bond the petitioner shall produce the receipt/document showing deposit of 15% of the defalcated amount as reflected in the F.I.R., with Corporation or in the office of the informant. Before expiry of the period of provisional bail the petitioner shall approach the court with receipt/document showing deposit of further 10% of the defalcated amount whereafter the learned court below shall confirm the bail of the petitioner.

Be it noted that such payment made by the petitioner shall be without prejudice to his right and contention in the case and shall abide by the final out come of the case.

**(Kishore Kumar Mandal, J)**

siddharth/-

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