

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27580 of 2015

Arising Out of PS.Case No. -72 Year- 2015 Thana -BIHRA District- SAHARSA

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1. Suresh Kumar Son of Gorelal Yadav Resident of Village- Padampur, P.S.
- Bihra, Dist- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar Food and Civil Supplier Corporation State of Bihar,
Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. T.P.Mandal(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 31-07-2015

Heard learned counsel for the petitioner and the State.

The petitioner is in custody in a case instituted under
Sections 406, 420 and 409 of the Indian Penal Code.

The prosecution story, in brief, is that the petitioner
being the owner of rice mill has received paddy of 34410 quintals
from the Bihar State Food and Civil Supplies Corporation
Limited under an agreement to deposit 23054 quintals of C.M.R.
but the petitioner has deposited only 5131.03 quintals of C.M.R.
and rest has not been deposited and Rs.3,88,14,783 has been
embezzled for personal benefit.

It has been submitted on behalf of the petitioner
that as per allegation the outstanding dues against the petitioner is
of Rs. 3,88,14,783. It is further submitted that the petitioner is
ready to deposit 20% of the said amount within a period of one
year (twelve months).

On behalf of the State, it has been submitted that

the petitioner is named in the FIR and there is direct allegation against him.

Considering the aforesaid facts, the above named petitioner is directed to deposit 20% of Rs. 3,88,14,783 - before the State Food Corporation within a period of one year (twelve months) through bank draft. It is submitted that out of the said amount Rs. 13,75,000/- has already been deposited by the petitioner. If it is so then the said amount shall be deducted from 20%, which is to be deposited by the petitioner.

In the meanwhile the above named petitioner shall be released on provisional bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa, in Bihra P.S. Case No. 72/2015. The provisional bail granted to the petitioner shall be confirmed by the court below, if the petitioner produces certificate showing that 20% of the outstanding dues has been deposited by him before the State Food Corporation within a period of one year (twelve months) through bank draft.

(Sudhir Singh, J)

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