

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32599 of 2015

Arising Out of PS.Case No. -71 Year- 2015 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

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Rakesh Kumar Son of Laxmeshwar Thakur, Resident of village- Bholachak,
P.S.- Chakiya, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, B.S.F.C., Motihari

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Corporation : Mr. Shalinder Kumar Singh

For the Opposite Party/s : Mr. M.Haque(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 13-08-2015 Heard learned counsel for the petitioner and learned counsel
for the Bihar State Food and Civil Supplies Corporation as well as
for the State.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections 406 and
420 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the
terms of agreement, the petitioner has agreed to deliver prepared
rice in proportion to the 32479 Q. 25 Kg. rice. However, the
proportionate amount could not be paid by him and as a result of
which, the petitioner is facing prosecution and has allegedly been
guilty of defalcating Government money to the tune of
Rs. 97,04,085.00.

Learned counsel for the petitioner submits that though the
petitioner is facing proceeding under the Public Demand Recovery

Act as per the terms and agreement, the petitioner is also facing prosecution and he has also deposited, after lodging of the FIR an amount of rupees eleven lacs till date. He is further willing to deposit the rest amount in equal installments within a period of eight months.

In view of the fact that other similarly situated persons have agreed to deposit 20% of the amount as indicated in the First Information Report and the petitioner has already deposited rupees 11 lacs out of the same, let the petitioner deposit the rest amount after quantifying the 20% of the said Rs. 97,04,085.00. It is made clear that rupees 11 lacs already deposited will be deducted from the said 20%.

If the petitioner deposit the said amount, let the petitioner Rakesh Kumar, in the event of his arrest / surrender within a period of three weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned Chief Judicial Magistrate, Motihari in connection with Chakiya P.S. Case No. 71 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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