

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21345 of 2015

Arising Out of PS.Case No. -90 Year- 2015 Thana -BUXAR MUFFSIL
District- BUXAR

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Binay singh @Vinay Kumar Singh S/o Baban Singh R/o Village + P.O. -
Mahadah, P.S. Buxar, District-Buxar Petitioner.

Versus

The State of Bihar. Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Sudha Chandra, Advocate

For the Opposite Party/s : Mr. Ahmad Ali (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-07-2015

Heard learned counsel for the petitioner and learned A.P.P. for
the State.

The petitioner is apprehending his arrest in connection with
Buxar (M) P.S. Case No. 90 of 2015 dated 08.04.2015 registered under
Sections 406, 420 and 120B of the Indian Penal Code, 1860.

Prosecution case, in short, is that the petitioner being Rice
Mill Owner and as per agreement has received paddy total 6000 quintals for
depositing C.M.R. 4020 quintals to the informant/S.F.C., Buxar, but has
deposited only 1618.109 quintals and rest not deposited and in this way the
petitioner embezzled the cost of rest C.M.R. which is Rs. 52,01,439/-.

It has been submitted on behalf of the petitioner that as per the
allegation the outstanding dues against the petitioner is of Rs. 52,01,439/-. It
is further submitted that petitioner is ready to deposit 20% of the said amount
within a period of nine months.

On behalf of the State, it has been submitted that the petitioner
is named in the F.I.R. and there is direct allegation against him.

Considering the aforesaid facts and circumstances, petitioner

is directed to deposit 20% of Rs. 52,01,439/- before the State Food Corporation within a period of nine months through bank draft.

In the meantime, the above named petitioner, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order is directed to be enlarged on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (M) P.S. Case No. 90/2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C. The provisional bail granted to the petitioner shall be confirmed by the Court below, if the petitioner produces certificate showing that the 20% of the outstanding dues has been deposited by him before the State Food Corporation within a period of nine months through bank draft.

(Sudhir Singh, J.)

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