

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21625 of 2015

Arising Out of PS.Case No. -74 Year- 2013 Thana -KORANSARAI District- BUXAR

Sudhanshu Tiwary, S/o Late Rabindra Nath Tiwary, resident of Village-Koran sarain, P.S.:- Koran Sarain, District:- Buxar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Kumar Singh, Advocate.
Mr. Ravi Prakash, Advocate.
Mr. Ranjeet Choubey, Advocate.

For the Opposite Party : Mrs. Indu Bala Panday (App)

For the B.S.F.C. : Mr. R.S. Pradhan, Sr. Advocate.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 21-07-2015 Heard both sides.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code.

The petitioner lifted 30331.80 quintals of paddy to deliver 20322.306 quintals of rice. The petitioner gave 270 quintals of rice but still 19512.306 quintals of rice is lying and thereby the petitioner misappropriated a sum of Rs. 4,22,55,069.38/-.

Sri Rajesh Kumar Singh, learned counsel for the petitioner submits that the petitioner has not violated any terms of the agreement. No transportation was provided from B.S.F.C. for

lifting the rice from the rice mill. The rice is still lying the godown of the petitioner. The petitioner is ready to deposit 20 per cent of the aforesaid amount within nine months. A certificate case is also going on.

Learned counsel for the B.S.F.C. did not raise any objection.

Considering the facts aforesaid, the petitioner shall deposit 20 per cent of the entire amount within nine months from the date of receipt of this order, 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 bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in Koran Sarai P.S. Case No. 74 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. If the petitioner fails to deposit 20 per cent of Rs. 4,22,55,069.38/- within nine months from the date of receipt this order, the learned court below shall cancel the bail bonds of the petitioner.

(Prabhat Kumar Jha, J.)

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