

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22671 of 2015

Arising Out of PS.Case No. -98 Year- 2015 Thana -BRAHMPUR District- BUXAR

1. Laxman Prasad Son of Late Ram Bachan Sahu Resident of Village :
Jawahi Diyar, P.S. Brahmpur, District : Buxar.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Mishra

For the Opposite Party : Mr. Umanath Mishra(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-06-2015

Heard learned counsels for the petitioner and

the State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406, 409, 420, 120B of the Indian Penal Code.

The prosecution case is that the petitioner being rice miller was supplied 24123.20 quintals of paddy by the Bihar State Food & Civil Supply Corporation under agreement for the year 2011-12 against which the petitioner was supposed to supply 16162.54 quintals of Custom Milled Rice(CMR) but the petitioner only supplied 9721.45 quintals of Custom Milled Rice and failed to supply 6441.10 quintals and thereby misappropriated Rs. 1,14,58,241/-.

It is submitted by learned counsel for the petitioner that CMR rice could not be supplied since the

authorities of the Bihar State Food & Civil Supply Corporation failed to receive the same and the petitioner is ready to supply the same. Moreover the certificate case being initiated against the petitioner has been dismissed by the Certificate Officer.

It is submitted by Mr. Sailendra Kumar Singh, learned counsel for the Bihar State Food & Civil Supply Corporation that within the stipulated period the CMR rice were not supplied and now the Food Corporation of India has decided not to accept the rice. The certificate case has been dismissed on technical ground against which the appeal is pending.

The petitioner undertakes to deposit 20% of the alleged due amount within a period of six months through bank draft before Bihar State Food & Civil Supply Corporation.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Brahmpur P.S. Case No. 98 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned Court below on deposit of 20% of the

alleged defalcated amount.

The grant of bail to the petitioner will not preclude the authorities to recover the balance amount in accordance with law.

(Dinesh Kumar Singh, J)

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