

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23352 of 2015

Arising Out of PS.Case No. -68 Year- 2015 Thana -BUXAR INDUSTRIAL District- BUXAR

1. Santosh Kumar Gupta Son of Sri Ram Darsan Sah resident of Village
Lehra, Chakki, 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. M.Dayal (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,
420, 120B of the Indian Penal Code.

The prosecution case is that the petitioner
being rice miller was supplied 5404 quintals of paddy by the
Bihar State Food & Civil Supply Corporation under agreement
for the year 2012-13 against which the petitioner was supposed
to supply 3620.68 quintals of Custom Milled Rice(CMR) but the
petitioner only supplied 1081.209 quintals of Custom Milled
Rice and thereby misappropriated Rs. 54,99,377/-.

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

latches on the part of Bihar State Food & Civil Supply Corporation and the petitioner is ready to supply the same. Moreover the certificate proceeding is still pending.

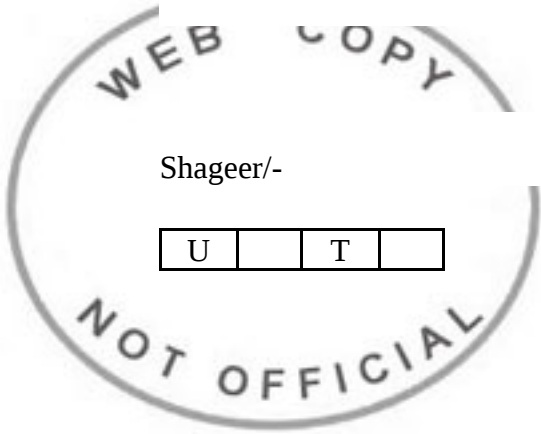
It is submitted by Mr. Sailendra Kumar Singh, learned counsel for the Bihar State Food & Civil Supply Corporation that within the stipulated period the CMR rice were not supplied and now the Food Corporation of India has decided not to accept the rice, though admits that certificate proceeding is going on.

The petitioner undertakes to deposit 20% of the alleged defalcated amount within a period of four 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 four 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 Buxar(I) P.S. Case No. 68 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 aforesaid deposit will be subject to the
certificate proceeding.



(Dinesh Kumar Singh, J)