

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23986 of 2015

Arising Out of PS.Case No. -51 Year- 2015 Thana -BARUN District- AURANGABAD

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1. Birender Singh @ Birendra Singh S/o Rambilash Singh R/o Village Baroondih, P.S. Baroon, District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food Civil Supplies Corporation Ltd., Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary
For the Opposite Party/s : Mr. Ashraf Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in Baroon P.S.
Case No. 51 of 2015 registered under sections 406/ 409/420/34 of the Indian
Penal Code.

Prosecution case, in short, is that the petitioner being
owner for rice mill has received paddy of 16832.48 quintals under an
agreement to deposit 11277.80 quintals of C.M. R. but the petitioner has
deposited only 5877.80 quintals of C.M.R and rest has not deposited and Rs.
1, 27, 28, 646/- has been embezzled for personal benefit.

It has been submitted on behalf of the petitioner that as
per the allegation the outstanding dues against the petitioner is of Rs.
1, 27, 28, 646/- . 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 first information report and there is direct allegation against him.

Considering the aforesaid facts and circumstances, petitioner is directed to deposit 20% of Rs. 1, 27, 28, 646/- 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/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in Baroon P.S. Case No. 51 of 2015, subject to the conditions 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.

(Sudhir Singh, J)

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