

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23013 of 2015**

Arising Out of PS.Case No. -93 Year- 2015 Thana -ITARHI District- BUXAR

=====

Bhola Prasad, Son of Late Jagarnath Prasad, Resident of village - Itarhi.  
P.S.- Itarhi, District - Buxar.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

=====

**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Advocate

For the Opposite Party/s : Mrs. Asha Devi (App)

=====

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      02-09-2015      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner is apprehending his arrest in Itarhi P.S.  
Case No. 93 of 2015 registered under sections 403, 406, 420, 421  
and 424 of the Indian Penal Code.

The prosecution case, in short, is that the petitioner  
being owner of M/s Radha Krishna Mini Rice Mill has received  
paddy weighing 15016 quintals under an agreement to deposit  
10060.72 quintals of C.M. R., but the petitioner has deposited only  
4059.36 quintals of C.M.R and the rest has not deposited under a  
criminal conspiracy and Rs. 1,14,21,361/- has been embezzled for  
his 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. 1,14,21,361/-. It is further submitted that petitioner is ready to deposit 20% of the said amount within a period of twelve 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. 1,14,21,361/- before the State Food Corporation within a period of twelve 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 six 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, Buxar in Itarhi P.S. Case No.93 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 within a period of twelve months through bank draft.

**(Sudhir Singh, J)**

V.K. Pandey/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|