

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30292 of 2015

Arising Out of PS.Case No. -42 Year- 2015 Thana -PHULWARIA District- GOPALGANJ

Nandlal Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjya Kumar Chaubey

For the Opposite Party/s : Mr. Nand Kumar (App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 05-08-2015

Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner apprehends his arrest in connection
with Fulwaria P.S. Case No. 42 of 2015 registered for the
offences punishable under Section 409 of the Indian Penal
Code.

Learned counsel for the petitioner submits that
vide agreement dated 22.03.2014 the petitioner being the
owner of the rice mill namely, M/s Sankat Mochan Rice Mill
had agreed to supply the prepared rice after taking paddy from
the corporation but he failed to do so and allegedly
misappropriated the rice to the tune of Rs. 63,97,427/-. It is
further submitted that after entering into the agreement,
certain quantities of rice were, in fact, supplied but thereafter
due to certain unavoidable circumstances, the rice mill owner
could not find his part of obligation and consequently

thereafter, certificate case bearing Certificate Case Nos. 63/2014-15 and 64 of 2014/15 has been lodged as per the agreement. It is further submitted that bank guarantee is also lying with the opposite party and therefore, the petitioner may not be subjected to prosecution and consequently arrested in pursuance of the present case. Learned counsel for the petitioner also refers to the order dated 30.07.2011 passed in Cr. Misc. No. 21320 of 2015 by which similarly situated co-accused person has been extended the privilege of anticipatory bail by referring the earlier order passed by co-ordinate bench of this court.

Considering the aforementioned facts and circumstances of the case and after perusing the bail application and also the terms of agreement, let the petitioner, in the event of his/their arrest or surrender before the Court below within a period of three weeks from the date of receipt/production of a copy of this order, 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 Judicial Magistrate, Gopalganj in connection with Fulwaria P.S. Case No. 42 of 2015 , subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Anjana Mishra, J)

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