

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24702 of 2015

Arising Out of PS.Case No. -57 Year- 2015 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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1. Shyam Bihari Gupta son of Late Kishor Shah resident of village -
Jnardanpur, P.S. - Durgawati, District - Kaimur at Bhabhua.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sumeet Kumar Singh, Advocate.
For the BSFC : Mr. Shailendra Kumar Singh Advocate
For the Opposite Party : Mr. Dr. Rabindra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 10-07-2015 Heard the parties.

The petitioner apprehends his arrest in connection
with Durgawati P.S. case no. 57 of 2015, registered under Sections
409 and 420 of the IPC.

It is a case where the petitioner was supplied paddy
for milling and delivery thereof to the Food Corporation of India
at the agreed rate. The petitioner defaulted in doing so and
thereby committed misappropriation of the Government fund in
the sum of Rs. 01,15,86,070.84/-.

It has been submitted that diverse orders have been
passed by this Court in identical/similar matters wherein after
deposit of certain percentage of amount as also considering the

fact that there is an agreement reached by and between the parties and in some cases like the present one where the PDR proceeding is pending accused persons have been privileged with anticipatory bail.

Learned counsel for the Bihar State Food & Civil Supplies Corporation Ltd., Patna (for short 'the Corporation') has not disputed the aforesaid contention.

Regard being had to the above, I direct that the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of five weeks from today, shall be released on provisional bail for a period of 05 months from the date of release on furnishing bail bonds of Rs. 15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Durgawati P.S. case no. 57 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The petitioner shall deposit 10% of the misappropriated amount depicted in the F.I.R. through demand draft/bank instrument of the said amount in favour of the Corporation and produce receipt/payment thereof along with the bail bonds. If the petitioner deposits the remaining 15% of the

misappropriated amount within 05 months and furnish the same with a prayer for confirmation of the bail, the learned Court below shall confirm the bail, with further following condition:-

(i) One of the bailors shall be the own/close family member of the petitioner.

(Kishore Kumar Mandal, J)

Shyam/-

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