

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28280 of 2015

Arising Out of PS.Case No. -45 Year- 2015 Thana -VIJAYPUR District- GOPALGANJ

1. Balram Rajbhar son of Sri Krishna Rajbhar resident of village Amwadubey, P.S. Bijaypur, District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjya Kumar Chaubey

For the State Mr. Nand Kumar(App)

For theOpposite Party No. 2 Mr. A.N. Rai.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-07-2015 Heard learned Senior Counsel for the petitioner, learned counsel for the Opposite Party No. 2, Bihar State Food & Civil Supplies Corporation Ltd. Gopalganj and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Bijaypur P.S.Case No. 45 of 2015 registered for offences punishable under Sections 409/420 of the I.P.C.

Petitioner is a rice miller and accusation against the petitioner is that he did not supply the rice as per agreement executed between the parties and mis-appropriated huge government money.

It is submitted that other cases were instituted against

different persons and this Court as well as Co-ordinate Bench of this Court have already granted the privilege of anticipatory bail to different persons taking note of agreement executed between the parties and also the fact that Certificate Case is pending between the parties.

Considering the aforesaid facts and circumstances as well as the statement of the parties, the petitioner is directed to deposit 12 % of the alleged defalcated amount through Bank Draft in the name of the District Manager, Bihar State Food & Civil Supplies Corporation Ltd. Gopalganj, within a period of three months from the date of receipt/production of a copy of this order. However, the deposit will not prejudice the case of the petitioner in any manner what so ever.

Under such circumstances, petitioner, Balram Rajbhar be released on anticipatory bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Bijaypur P.S.Case No. 45/2015 (G.R. No. 957/2015), subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

It may be noted that in case the said amount i.e. 12 % of the alleged defalcated amount is not deposited within the aforesaid period specified above, the informant may bring it to the notice of the Court of the learned Chief Judicial Magistrate, Gopalganj in the aforesaid case, who will take appropriate steps in accordance with law.

(Nilu Agrawal, J)

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