

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.25822 of 2015**

Arising Out of PS.Case No. -146 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Jay Prakash Sah Son of Thakur Sah Resident of Village- Baghani Kala,  
P.S.- Mohania, District- Kaimur (Bhabua). Proprietor of M/S , Durga Food  
Product, Baghani Kala, Mohania, Kaimur (Bhabua).

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Pramod Kumar Pathak Son of Late Uday Chandra Pathak , Resident of  
Village- Samar, P.S.- Bhokhada, District- Sitamadhi, At Present- District  
Manager, State Food Corporation, Kaimur, District- Kaimur (Bhabua).

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Kumar Sunil  
For the Opposite Party/s : Mr. Asha Kumari(App)  
Mr. Shailendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**  
**ORAL ORDER**

2      09-07-2015

Heard the parties.

The petitioner apprehends his arrest in connection  
with Mohania P.S. Case No. 146 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. 23,17,149.20/-.

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 few cases proceeding under the PDR is also filed against the accused, they 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, abovenamed, 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 06 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 (Bhabua) in connection with Mohania P.S. Case No. 146 of 2015 subject to the condition as laid down under Section 438 (2) of the Cr.P.C with further condition that one of the bailers shall be the own/close family members of the petitioner.

The petitioner shall produce receipt of deposit of 15% of the misappropriated amount depicted in the F.I.R. through demand draft/bank instrument or otherwise in favour of the Corporation alongwith the bail bonds.

If the petitioner deposits the remaining 10% of the misappropriated amount within 06 months and furnish receipt/document with a prayer for confirmation of the bail, the learned court below shall confirm the provisional bail.

**(Kishore Kumar Mandal, J)**

Pankaj/-

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