

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26740 of 2015

Arising Out of PS.Case No. -157 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Rajnikant Tiwari Son of Lalan Tiwari Resident Baghini Kala, P.S.
Mohania, District - Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pancham Lal Jaiswal

For the Opposite Party/s : Mr. Nityanand Tiwary(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. 157 of 2015 registered under Sections 420 and 406 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. 27,63,168.70/-.

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.

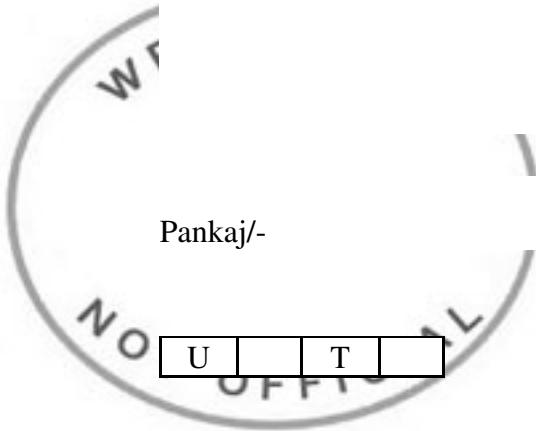
Learned counsel for the Bihar State Food & Civil Supplies Corporation Ltd., Patna (for short 'the Corporation') has not disputed the aforesaid contention.

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 at Bhabhua in connection with Mohania P.S. Case No. 157 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)