

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26223 of 2015

Arising out of PS.Case No. -78 Year- 2015 Thana -CHANPATIA District- WEST
CHAMPARAN(BETTIAH)

Nand Kishore Prasad, Son of Vijay Kumar Gupta, resident of village-
Chanpatia Ward No.-7, P.S.- Chanpatia, District- West Champaran
Proprietor of M/S Ekta Rice Mill, Industrial Area, West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Shashi Bhushan Kumar, Advocate.
For the Opposite Party : Mr. Shantanu Kumar(App)
For the BSFC : Mr. Shailendra Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2015 Heard learned counsels for the petitioner, B.S.F.C.
and learned A.P.P. for the State.

The petitioner is apprehending his arrest in
Chanpatia P.S. Case No. 78 of 2015 registered under sections
406, 407, 409, 420 and 120(B) of the Indian Penal Code.

Prosecution case, in short, is that the petitioner
being owner for rice mill has received paddy of 20376.70000
quintals under an agreement to deposit 13652.38900 quintals
of C.M. R. but the petitioner has deposited only 11594.93700
quintals of C.M.R and rest has not deposited and Rs.
44,55,535.75 has been embezzled for personal benefit against
which he has deposited only Rs. 8,00,000/- and in this way,
the petitioner has defalcated government money of Rs.

36,55,537.75 under a conspiracy.

On behalf of the petitioner, it has been submitted that in C.W.J.C. NO. 9268 of 2014 vide judgment dated 23.07.2014, the Hon'ble Court had directed the petitioner to deposit 20% of Rs. 44,55,536/- i.e., 8,91,000/-. The petitioner has already deposited Rs. 8,00,000/- It is further submitted that balance amount Rs. 91,000/- shall be deposited by him within a period of three months from the date of receipt/production of a copy of this order.

On behalf of the State it has been submitted that the petitioner is named in the first information report and there is direct allegation against him.

Considering the aforesaid facts and circumstances, petitioner is directed to deposit balance amount Rs. 91,000/- before the State Food Corporation within a period of three months from the date of receipt/production of copy of this order through bank draft.

In the meantime, the above named petitioner in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order is directed to be enlarged on provisional anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah, in Chanpatia P.S. Case No. 78 of 2015,

subject to the conditions laid down under section 438(2) Cr.P.C. The provisional bail granted to the petitioner shall be confirmed by the court below, if the petitioner produces certificate showing that Rs. 91,000/- of the outstanding dues has been deposited by him before the State Food Corporation within a period of three months through bank draft.

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(Sudhir Singh, J)