

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27959 of 2015

Arising Out of PS.Case No. -10 Year- 2015 Thana -NARARI KALA KHURD District-
AURANGABAD

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1. Balkeshwar Singh Son of Ramjeet Singh Resident of village- Tetriya,
P.O. Kasipur, P.s Narari, kala, Khurd, District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Shailendra Kumar Singh,A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-07-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 409 and 420 of the Indian Penal Code.

The prosecution story, in brief, is that the petitioner
being the owner of rice mill has received paddy of 5028 quintals
under an agreement to deposit 3369 quintals of C.M.R. but the
petitioner has deposited only 2160 quintals of C.M.R. and rest has
not deposited and Rs. 29,96,579/- has been embezzled for personal
benefit.

On behalf of the petitioner it has been submitted that as
per allegation the outstanding dues against the petitioner is of Rs.
29,96,579/-. It is further submitted that the petitioner is ready to
deposit 20% of the said amount within a period of six months.

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

Considering the aforesaid facts, the petitioner is directed to deposit 20% of Rs. 24,96,579/- before the State Food Corporation within a period of six months through bank draft.

In the meantime, let the above named petitioner, in the event of his arrest or surrender in the court below within a period of four weeks, be released on provisional anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad, in connection with Narai Kala Khurd P.S. Case No. 10 of 2015, subject to the conditions as laid down u/s 438(2) Cr.P.C. The provisional anticipatory bail granted to the petitioner shall be confirmed by the court below, if the petitioner produces certificate showing that 20% of outstanding dues has been deposited by him before the State Food Corporation within a period of six months through bank draft.

(Sudhir Singh, J)

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