

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30142 of 2015

Arising Out of PS.Case No. -40 Year- 2015 Thana -OBRA District- AURANGABAD

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Damodar Agrawal @ Damodar Prasad Agrawal

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Atul Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-07-2015

Heard learned counsel for the petitioner and the State.

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

The prosecution story, in brief, is that the petitioner being the owner of rice mill has received paddy of 13338.51 quintals from the Bihar State Food and Civil Supplies Corporation Limited under an agreement to deposit 8936.802 quintals of C.M.R. but the petitioner has deposited only 6750 quintals of C.M.R. and rest has not been deposited and Rs. 47,35,650/-has been embezzled for personal benefit.

It has been submitted on behalf of the petitioner that as per allegation the outstanding dues against the petitioner is of Rs. 47,35,650/-. It is further submitted that the petitioner is ready to deposit 20% of the said amount within a period of nine 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 above named

petitioner is directed to deposit 20% of Rs. 47,35,650/- before the State Food Corporation within a period of nine months through bank draft.

In the meanwhile, in the event of his arrest or surrender in the court below within a period of four weeks, the petitioner shall 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 S.D.J.M., Aurangabad, in Obra P.S.Case No. 40/2015, 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 the outstanding dues has been deposited by him before the State Food Corporation within a period of nine months through bank draft.

(Sudhir Singh, J)

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