

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29806 of 2015

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

Uday Singh Son of Ram Swaroop Singh, resident of village - Kara, P.O. Kara, P.S. Obra, Distt. - Aurangabad

.... Petitioner/s

Versus

- 1. The State of Bihar
- 2. The District Manager, B.S.F.C., Aurangabad

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 29-07-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in Obra P.S. Case No. 40 of 2015 registered under Sections 420 and 409 of the Indian Penal Code.

Prosecution case, in short, is that the petitioner being owner for rice mills has received paddy of 4641.10 quintals under an agreement to deposit 3122.937 quintals of C.M. R. but the petitioner has deposited only 1620 quintals of C.M.R and rest has not deposited and Rs. 32, 54,700.00 has been embezzled for personal benefit.

It has been submitted on behalf of the petitioner that as per the allegation the outstanding dues against the petitioner is of Rs. 32, 54,700.00. It is further submitted that 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 first information report and there is direct allegation against him.

Considering the aforesaid facts and circumstances, petitioner is directed to deposit 20% of Rs. 32, 54,700.00 before the State Food Corporation within a period of nine months 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 Sub-Divisional Judicial Magistrate, Aurangabad in Obra P.S. Case No. 40 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 the 20% of the outstanding dues has been deposited by him before the State Food Corporation within a period of nine months through bank draft.

Mkr./-

(Sudhir Singh, J)

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