

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.30407 of 2015**

Arising Out of PS.Case No. -91 Year- 2015 Thana -DUMRA District- SITAMARHI

Munna Kumar Gupta S/o Dwarika Prasad Gupta, P.S. Banjaria, Distt. East  
Champanan at present R/v Nakched Tola, P.S. Motihari, Distt. East  
Champanan

.... .... Petitioner/s

Versus

1. State of Bihar  
2. District Manager, Bihar State Civil Supply Food Corporation Ltd.  
District- Sitamarhi

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Mishra  
For the Opposite Party/s : Mr. Anil Kumar(App)

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

2      07-08-2015                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner is apprehending his arrest in connection  
with Dumra P.S. Case No. 91 of 2015 registered for the offences  
punishable under Sections 406, 409 and 420/34 of the Indian Penal  
Code.

Learned counsel for the petitioner submits that the  
petitioner had entered into an agreement between the Bihar State  
Food & Civil Supplies Corporation that on receipt of procured  
paddy of about 14,073 Quintal, petitioner should be depositing  
prepared rice of 9,428.91 Quintals, but he deposited only 4,050  
Quintal and as per agreement he defalcated the total rice of  
5,378.91 Quintal, resulting in a loss of about Rs. 1,16,48,352.34/-

(Rs. One Crore sixteen Lac forty eight thousand three hundred fifty two rupees and thirty four paise) only.

Learned counsel for the petitioner further submits that after giving rice of about 4,050 Quintal, the residual amount of rice could not be supplied to the Corporation on account of unavoidable circumstances and as such the petitioner is facing prosecution. Learned counsel for the petitioner further submits that while entering into the agreement, he had also pledged his properties with the Corporation in tune with the transaction which was in proportionate to the amount and the quantum of agreement entered into between the parties. The said pledge having been made on the one hand and on the other, the petitioner being subjected to the process of the PDR Act. Learned counsel for the petitioner submits that further prosecution of the petitioner was not justified especially as the equivalent proportion of property has been pledged which indicates the bonafide intention of the petitioner.

Learned counsel for the petitioner has also placed before me an order, dated 05.08.2015, passed by this Court in Cr. Misc. No. 30235/2015.

Considering the aforementioned submissions and also the fact that this Court had passed several orders, extending the benefit of pre-arrest bail to other similarly situated persons facing

prosecution under PDR Act, let the petitioner, above-named, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sitamarhi in connection with Dumra P.S. Case No. 91 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Anjana Mishra, J)**

sushma/-

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