

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30119 of 2015

Arising Out of PS.Case No. -101 Year- 2015 Thana -GOVINDGANJ District-
EASTCHAMPARAN(MOTIHARI)

=====

Umesh Prasad Son of Late Kanchan Sah, Resident of Village - Chattia Chintamanpur, Police Station - Govindganj (Malahi), District - East Champaran. Proprietor of M/s Navin Rice Mill at Chattia Chintamanpur, Police Station - Govindganj (Malahi), District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Managing Director of Bihar State Food Corporation, Bihar, Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7
For the B.S.F.C : Mr. Shailendra Kumar Singh, Advocate
For the State : Mr. Chandra Bhushan Prasad (APP)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 27-10-2015 Heard learned counsel for the petitioner, BSFC and learned counsel for the State.

The petitioner apprehends his arrest in connection with Govindganj (Malahi) P.S. Case No. 101 of 2015 registered for the offences punishable under Sections 406, 409 and 420 the Indian Penal Code.

Learned counsel for the petitioner submits that the allegation has been made against him for defalcation of paddy/rice to the tune of Rs. 36,32,459.22/- for the financial year 2011-12. The further case is that defalcation is alleged to have been made for the year 2012-13 to the tune of Rs. 82,61,611.40/-/ Learned counsel for the petitioner submits that so far as the year 2011-12



is concerned, petitioner is willing to pay 20 per cent of the alleged defalcated amount but with regard to the year 2012-13, he submits that he has already pledged the properties in favour of the State Food Corporation and therefore, he is not required to deposit any amount rather he submits that properties which have been pledged with regard to the said year are enough to compensate any loss, if at all, occasioned.

Learned counsel for the Bihar State Food Corporation submits that there is no deed of pledge in support of the mortgaged of properties with regard to the year 2012-2013.

Considering the aforesaid submissions, 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 enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari, East Champaran in connection with Govindganj (Malahi) P.S. Case No. 101 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C..

However, it is made clear that the 20 percent deposit which is required to be made for the year 2011-12 shall be made within a period of three months. In case the same is not done

and/or in case there is no pledge of property, as has been indicated in Annexure-5 to the counter affidavit, it shall be open for the opposite party no. 2 to take appropriate legal course.

Jagdish/-

U		T	
---	--	---	--

(Anjana Mishra, J)