

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30552 of 2015

Arising Out of PS.Case No. -92 Year- 2015 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

Subhash Kumar S/o Laxmi Prasad, resident of village- Nonia Mahto Tola
P. S. Paharpur District East Champaran

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha

For the Opposite Party/s : Mr. Renu Kumari(App)

For the BSFC : Mr. Awadhesh Kumar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 29-07-2015

Heard both sides.

The petitioner apprehends his arrest in a case under
Section 409 of the Indian Penal Code.

The petitioner lifted paddy for milling and he had to
deliver 4071. 70 quintals of CMR (rice) but the petitioner did not
deliver and thereby the prosecution has alleged that the petitioner
misappropriated a sum of Rs. 76, 91, 899.55/-.

It is submitted that the petitioner is ready to deposit
the 20% of the aforesaid amount, i.e., 76, 91, 899.55/- within
seven months. It is further submitted that the certificate
proceeding has already been quashed and there is a dispute with
regard to delivery of rice.

Considering the facts aforesaid, the above named

petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in Paharpur P.S. Case No. 92 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with a further condition that the petitioner shall deposit 20% of the remaining amount lying due against him within seven months from the date of his release. In the event, the petitioner fails to deposit 20% of the remaining amount lying due against him, as aforesaid, his bail bonds shall be cancelled by the learned court below.

(Prabhat Kumar Jha, J)

BKS/-

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