

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32083 of 2015

Arising Out of PS.Case No. -17 Year- 2015 Thana -KUNDWACHAINPUR District-
EASTCHAMPARAN(MOTIHARI)

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Shrimati Sheela Devi Wife of Shri Rambabu Chaudhary, resident of village
- Hasanpur, P.S. - Kundwachainpur, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food and Civil Supplied Corporation Ltd., Motihari

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Satyendra Narayan Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 18-08-2015 Heard learned counsel for the petitioner, BSFC and

learned counsel for the State.

The petitioner apprehends his arrest in connection
with Kundwachainpur P.S. Case No. 17 of 2015 registered for
the offences punishable under Sections 406, 409, 120(B), 420
of the Indian Penal Code.

Learned counsel for the petitioner submits that the
allegation of defalcation to the tune of Rs. 4,59,63,124.94/- has
been made against the petitioner and consequently, the
petitioner is facing prosecution. It is further submitted that in
connection with the agreement/transaction made between the
petitioner and the BSFC, the petitioner had pledged the
properties totaling to Rs 9 crores and he is also facing
certificate proceeding bearing Certificate Case No. 6 of 2014
pending before the Certificate Officer, East Champaran. It is

further submitted that in view of the aforementioned actions and security offered by the petitioner and having agreed upon to submit himself to the certificate proceeding, there was no reason why the corporation should have filed the present case against the petitioner.

Considering the aforesaid facts which is not denied by the corporation that there exist such deed of pledge and that the certificate proceeding is also pending. , let the petitioner, 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 bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran, Motihari in connection with Kundwachainpur P.S. Case No. 17 of 2015 subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Anjana Mishra, J)

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