

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31667 of 2015

Arising Out of PS.Case No. -228 Year- 2015 Thana -BANKA District- BANKA

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Shankar Prasad Sah S/o Sukhdev Sah Resident of Village Makrandih, P.S. Rajaun, District Banka proprietor of M/s Laxmi Enterprises, Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food Corporation, Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushmita Mishra
For the Opposite Party/s : Mr. Prem Kumar Jha(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 Banka P.S. Case No. 228 of 2015 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that though there is allegation against the petitioner for defalcation of Rs. 14,07,614/-, he has already pledged sufficient properties before the BSFC and as such, there was no occasion for them to lodge the present FIR. It is further submitted that the petitioner is also facing PDR proceedings in which he has duly cooperated. In support of the contention made by the petitioner that sufficient properties have been pledged in lieu of the transaction between the parties, the petitioner has filed the

supplementary affidavit stating that they pledged original title deed by way of equitable mortgage with the BSFC. It is further submitted that the property, in question, had devolved in the share of the petitioner by virtue of family partition and other original documents like valuation certificate etc. have already been handed over to the opposite party no. 2 to secure the aforesaid amount.

Learned counsel for the BSFC, however, submits that though the property may have been pledged, no deed of pledge has been prepared by the corporation and as such, the contention is wholly misconceived.

Considering the aforesaid submissions, 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, Banka in connection with Banka P.S. Case No. 228 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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