

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39814 of 2015

Arising Out of PS.Case No. -116 Year- 2015 Thana -KARAHGAR District- SASARAM (ROHTAS)

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Saroj Kumar, S/o Narad Muni, resident of Village- Barhari, P.S.- Kargahar,
District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food & Civil Supplies Corporation Ltd.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Narain Thakur, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh (App)
For the Opposite Party
No.2 : Mr. A. N. Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-10-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Sections 406, 409 and 420 of the Indian Penal Code.

Prosecution case, in brief, is that petitioner being owner of Rice Mill had received 4252 quintals paddy under an agreement to deposit 2848.84 quintals of C.M.R. but he has deposited only 1608.45 quintals of C.M.R. and the rest has not been deposited and Rs. 26, 86, 138.97/- has been embezzled for personal benefit.

It has been submitted on behalf of the petitioner that as per allegation the outstanding dues against the petitioner is of Rs.26, 86, 138.97/-. Now petitioner is ready to deposit 20% of the said amount within a period of six months.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and there is direct allegation against him.

Considering the aforesaid facts and circumstances,

petitioner is directed to deposit 20% of Rs. 26, 86, 138.97/- before the State Food Corporation within a period of six months through bank draft.

In the meantime, the above named petitioner, in the event of arrest or surrender in the court below within a period of six weeks, be released on provisional anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas, at Sasaram, in connection with Kargahar P.S. Case no. 116 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The provisional anticipatory bail granted to the petitioner shall be confirmed by the court below, if petitioner produces certificate showing that 20% of the outstanding dues has been deposited by him before the State Food Corporation within a period of six months through bank draft.

(Sudhir Singh, J)

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