

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45949 of 2015

Arising Out of PS.Case No. -134 Year- 2015 Thana -SHIVSAGAR District- SASARAM
(ROHTAS)

Prithavi Narayan Singh, Son of Kulbansh Singh, R/o Village- Morkup. P.S.-
Sheosagar (Baddi O.P.) District-Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Food and Civil Supply Corporation Ltd. Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogendra Kumar Singh

For the Opposite Party/s : Mr. Ram Sumiran Roy(App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 02-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 409, 420 of the Indian Penal Code wherein the petitioner is said to have misappropriated a sum of Rs. 52,96,683.00 by way of non-payment of the price of C.M.R. to the Bihar State Food and Civil Supply Corporation, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Learned counsel for the petitioner submits that the petitioner will be prepared to deposit 20% of the amount of alleged misappropriation.

Such submission has to be only noted for its being rejected, inasmuch as, in all cases where this Court has granted

privilege of anticipatory bail, it is on payment of 100% of the amount.

That being so, if the petitioner, namely, Prithavi Narayan Singh surrenders within a period of four weeks from today and makes a payment of the entire amount by way of bank draft payable in the name of Bihar State Food and Civil Supply Corporation, he shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sheosagar (Baddi O.P.) P.S. Case No. 134 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) The bank draft shall be handed over to the concerned authority of the Bihar State Food and Civil Supply Corporation but, then, the same shall remain subject to the final decision of the criminal case against the petitioner.
- (ii) That both the bailors will be a close relative of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (iii) That the affidavit shall clearly state that the petitioner is not

an accused in any other case and if he is, he shall not be released on bail.

(iv) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

It goes without saying that if the petitioner does not deposit the amount, in question, he shall be taken into custody.

(Mihir Kumar Jha, J)

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