

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.32224 of 2015**

Arising Out of PS.Case No. -68 Year- 2015 Thana -WARISNAGAR District- SAMASTIPUR

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Sri Devendra Pandey @ Devendra Pandey, S/o Ram Bilash Pandey,  
Resident of Village- Bela Mohan, P.S. Pupri, District Sitamarhi.

.... .... Petitioner/s

Versus

1. The State of Bihar.

2. The District Manager, the Bihar State Food Corporation, Samastipur.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rana Vikram Singh, Advocate

For the Opposite Party/s : Ms. Jyotsna Kumari, Advocate

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**

**ORAL ORDER**

3      03-11-2015                      Heard learned counsel for the petitioner and the  
  
learned counsel appearing on behalf of the Bihar State Food  
  
Corporation.

The petitioner, being the Purchase Centre Incharge of Warisnagar Purchase Centre, is apprehending his arrest in connection with Warisnagar P.S. Case No.68 of 2015 for allegedly having committed the offence under Sections 409 of the Indian Penal Code.

It is submitted on behalf of the petitioner that an allegation of defalcation of Rs.3,64,249.55 has been made against the petitioner, though the same is not based on correct facts and figures. Learned counsel for the petitioner submits that as is the case of other similarly situated persons, the petitioner is also willing to pay 30% of the alleged defalcated amount within a

period of six months from the date of receipt/communication of this order.

Considering the aforementioned facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Smt. Ranjula Bharti, learned Judicial Magistrate, 1<sup>st</sup> Class, Samastipur, in connection with Warisnagar P.S. Case No.68 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that the aforementioned 30% of the alleged defalcated amount shall be paid by the petitioner within the aforementioned period in equal instalments and on failure of the petitioner to make payment of the same for two consecutive dates, it shall be open to the Bihar State Food Corporation to take appropriate legal recourse.

**(Anjana Mishra, J)**

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