

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20626 of 2015

Arising Out of PS.Case No. -118 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Mithlesh Kumar Singh son of Sri Dewnarayan Singh resident of village - Bharkhar, P.S. - Mohania, District - Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Ajay Kumar No.1(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-07-2015 Heard learned counsel for the petitioner and the State.

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

The prosecution story, in brief, is that the petitioner entered into an agreement with State Food Corporation for milling 6200 quintals of paddy latest by 31.12.2014 but neither the milled rice was given back to the State Food Corporation nor paddy or milled rice was found in the godown of the petitioner so, he misappropriated rice worth Rs. 56,20, 828.80/-.

It has been submitted on behalf of the petitioner that as per allegation the outstanding dues against the petitioner is of Rs. 56,20,828.80/-. It is further submitted that the petitioner is ready to deposit 20% of the said amount within a period of seven months.

On behalf of the State, it has been submitted that the petitioner is named in the FIR and there is direct allegation against him.

Considering the aforesaid facts and circumstances, the petitioner is directed to deposit 20% of Rs. 56,20,828.80/- before the State Food Corporation within a period of seven months through Bank Draft.

In the meantime, let the above named petitioner, in the event of his arrest or surrender in the court below within a period of four weeks, be released on provisional bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Kaimur at Bhabhua in Mohania P.S. Case No. 118 of 2015, subject to the conditions as laid down u/s 438(2) Cr.P.C. The provisional anticipatory bail granted to the petitioner shall be confirmed by the court below, if the petitioner produces certificate showing that 20% of the outstanding dues has been deposited by him before the State Food Corporation within a period of seven months through Bank Draft.

(Sudhir Singh, J)

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