

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21036 of 2015

Arising Out of PS.Case No. -88 Year- 2015 Thana -BRAHMPUR District- BUXAR

1. Kamlesh Pandey S/o Late Rama Shankar Pandey, R/o Village - Shivpur,
P.S. - Bihiya (Sahpur), District - Bhojpur (Ara), Prop. M/S Bab
Barmeshwar Nath Mini Rice Mill, Purbain, P.S. - Barahmpur, District -
Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra

For the Opposite Party/s : Mr. S.M.Rahman(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-05-2015 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case
registered for the offences punishable under Sections 406, 420
and 120B of the Indian Penal Code.

It is alleged that the petitioner being the rice miller
received 9806 quintals of paddy from Bihar State Food
Corporation when he was supposed to supply 6570 quintals of
processed rice but the petitioner only supplied 3508.77 quintals
of processed rice and thereby misappropriated 2165.56 quintals
of rice worth ₹66,30,822/-.

It is submitted by learned counsel for the petitioner



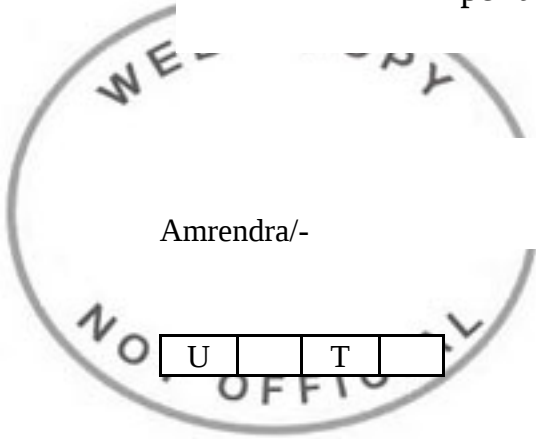
that as per the agreement, never any notice was issued to the petitioner. Moreover, the bank guarantee and mortgage property were to be invoked or attached for realization of the due amount and ultimately as per Clause-15 of the agreement the money was to be recovered by instituting certificate case under Bihar and Orissa Public Demand Recovery Act, 1914 which has already been filed. However, the petitioner is ready to deposit 20% of the alleged misappropriated amount.

It is submitted by Mr. Shailendra Kumar Singh that as per the Clause 12 of the agreement, in case of default, the money could have been realized by invoking the bank guarantee and attaching or sale of the mortgage property.

On deposit of 20% of alleged misappropriated amount, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Buxar in connection with Brahampur P.S. Case No. 88 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The present order in no way will preclude the Bihar

State Food Corporation to recover the balance due amount as
per the terms of the agreement.



(Dinesh Kumar Singh, J)

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