

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24236 of 2015**

Arising Out of PS.Case No. -23 Year- 2015 Thana -AAYAR District- BHOJPUR

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1. Santosh Kumar Singh, son of Sri Radhe Shayam Singh, resident of Village - Aayar, Post Office - Aayar Jagdishpur, Police Station- Aayar, District- Bhojpur Proprietor of M/s Om Sai Mini Rice Mill, situated at Aayar, Police Station- Aayar, District-Bhojpur.

.... .... Petitioner/s

Versus

1. The State Of Bihar  
2. Director Bihar State Food Corporation Ltd., Patna, Bihar.

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

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**Appearance :**

For the Petitioner/s : Mr. Madan Jeet Kumar

For the Opposite Party/s : Mr. Sanjay Kr.Sharma(App)  
Mr. Shailendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**  
**ORAL ORDER**

2      10-07-2015

Heard the parties.

The petitioner apprehends his arrest in connection with Aayar P.S. Case No. 23 of 2015 registered under Sections 409 of the IPC and Section 7 of the E.C. Act.

It is a case where the petitioner was supplied paddy for milling and delivery thereof to the Food Corporation of India at the agreed rate. The petitioner defaulted in doing so and thereby committed misappropriation of the Government fund in the sum of Rs. 1,33,89,202.71/-.

It has been submitted that diverse orders have been passed by this Court in identical/similar matters wherein after

deposit of certain percentage of amount as also considering the fact that there is an agreement reached by and between the parties and in few cases proceeding under the PDR is also filed against the accused, they have been privileged with anticipatory bail.

Learned counsel for the Bihar State Food & Civil Supplies Corporation Ltd., Patna ( for short 'the Corporation') has not disputed the aforesaid contention.

Regard being had to the above, I direct that the petitioner, abovenamed, in the event of his arrest/surrender before the learned Court below within a period of five weeks from today, shall be released on provisional bail for a period of 05 months from the date of release on furnishing bail bonds of Rs. 15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Aayar P.S. Case No. 23 of 2015 subject to the condition as laid down under Section 438 (2) of the Cr.P.C with further condition that one of the bailers shall be the own/close family members of the petitioner.

The petitioner shall produce receipt of deposit of 15% of the misappropriated amount depicted in the F.I.R. through demand draft/bank instrument or otherwise in favour of the Corporation alongwith the bail bonds.

If the petitioner deposits the remaining 10% of the misappropriated amount within 05 months and furnish receipt/document with a prayer for confirmation of the bail, the learned court below shall confirm the provisional bail.

**(Kishore Kumar Mandal, J)**

Pankaj/-

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