

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26387 of 2015

Arising Out of PS.Case No. -88 Year- 2015 Thana -RAMGARH District- BHABHUA (KAIMUR)

Uma Shankar Chaubey , M/s Vinayak Mini Rice Mill, Sultanpur, son of
Late Yamuna Choubey, resident of village- Sultanpur, P.S. Ramgarh,
District-Kaimur.

.... .. Petitioner/s

Versus

The State of Bihar

.... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra

For the Opposite Party/s : Mr. Rajiv Nayan (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2015

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

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

The prosecution story, in brief, is that the petitioner
entered in an agreement with the SFC for milling the paddy for the
financial year 2012-13 and the rice was to be deposited at last by
31.12.2013 but after the said period up till now the rice was not
deposited and rice worth Rs.59,62,754.69/- was misappropriated.

On behalf of the petitioner, it is submitted that as
per allegation the outstanding dues against the petitioner is of Rs.
59,62,754.69. It is further submitted that the petitioner is ready to
deposit 20% of the said amount within a period of ten months.

On behalf of the State, it is submitted that the

petitioner is named in the first information report and there is direct allegation against him.

Considering the aforesaid facts and circumstances, the petitioner is directed to deposit 20% of Rs.59,62,754.69 before the State Food Corporation within a period of ten months through bank draft.

In the meantime, the above named petitioner, in the event of his arrest/surrender in the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate, Bhabhua in connection with Ramgarh P.S. Case No. 88 of 2015, subject to the conditions as laid down under Section 438 (2) of the 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 ten months through bank draft.

V.P.Sinha/-

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(Sudhir Singh, J)