

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27910 of 2015

Arising Out of PS.Case No. -173 Year- 2015 Thana -SUPAUL District- SUPAUL

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Md. Saud Alam @ M. Saud S/o Md. Rajwan, Resident of village - Barsauni, P.S. Dagarwa, Distt. - Purnia

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil Supplies Corporation Limited Patna, Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikash Kumar, Adv.

For the Opposite Party/s : Mr. A.N. Rai (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-07-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Supaul P.S. Case No. 173 of 2015 registered under sections 406/409/420/120(B)/34 of the Indian Penal Code.

Prosecution case, in short, is that the petitioner being owner for rice mill has received 823.71 M.T. rice under an agreement to deposit 551.89 M.T. C.M.R. but the petitioner has deposited only 459 M.T. C.M.R and rest has not deposited and Rs.20,22,588.68 p. has been embezzled for personal benefit.

It has been submitted on behalf of the petitioner that as per the allegation the outstanding dues against the petitioner is of Rs. 20,22,588.68 p. It is further submitted that petitioner is ready to deposit

20% of the said amount within a period of six months.

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

Considering the aforesaid facts and circumstances, petitioner is directed to deposit 20% of Rs.20,22,588.68 p. before the State Food Corporation within a period of six months through bank draft.

In the meantime, the above named petitioner 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 is directed to be enlarged on provisional anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in Supaul P.S. Case No. 173 of 2015, subject to the conditions laid down under section 438(2) Cr.P.C. The provisional bail granted to the petitioner shall be confirmed by the court below, if the petitioner produces certificate showing that the 20% of the outstanding dues has been deposited by him before the State Food Corporation within a period of six months through bank draft.

(Sudhir Singh, J)

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