

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27174 of 2015

Arising Out of PS.Case No. -49 Year- 2015 Thana -KOCH District- GAYA

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1. Rahul Kumar Son of Sri Kamlesh Sharma resident of village + P.O. Dighi, P.S. Konch, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, BSFC, District - Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr.Adv.
Mr. Sanjive Kumar

For the Opposite Party/s : Mr. Shailendra Kumart Singh , A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-07-2015 Heard learned counsel for the petitioner and the State.

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

The prosecution case, in short, is that the petitioner being the owner of rice mill .has received paddy of 10500.00 quintals under an agreement to deposit 10050.00 quintal of C.M.R but the petitioner fraudulently misappropriated 10574.33 quintals of paddy and did not supply 7084.80 quintal of rice and Rs. 1,75,60,101.89/- has been embezzled for personal benefit.

It has been submitted on behalf of the petitioner that as per allegation the outstanding dues against the petitioner is of Rs. 1,75,60,101.89-. It is further submitted that the petitioner is ready to deposit 20% of the said amount within a period of twelve 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. 1,75,60,101.89/- before the State Food Corporation within a period of twelve 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 released 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 Mrs. Akanksha Kasnyap learned Judicial Magistrate, 1st Class, Gaya, in Konch P.S. Case No. 49/2015, subject to the conditions as laid down u/s 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 20% of the outstanding dues has been deposited by him before the State Food Corporation within a period of twelve months through bank draft.

(Sudhir Singh, J)

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