

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30078 of 2015

Arising out of PS.Case No. -184 Year- 2015 Thana -BHABHUA District- BHABHUA (KAIMUR)

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Bharat Singh, son of late Jiut Singh, Proprietor of M/s. Bhagwat Rice Mill,
Sion, Bhabua, Resident of Town Bhabua, Ward No.6, P.O. + P.S.- Bhabua,
District- Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar,
2. District Manager, Bihar State Food and Civil Supplies Corporation Ltd.,
Bhabhua, Kaimur.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey, Advocate.

For the Opposite Party/s : Mr. Parmeshwar Mehta(APP)

For the BSFC : Mr. Shailandra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-07-2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner is apprehending his arrest in
Bhabhua P.S. Case No. 184 of 2015 registered under Sections
420 and 409 of the Indian Penal Code.

Prosecution case, in short, is that the petitioner
being owner for rice mill has received paddy of 20500 quintals
under an agreement to deposit 13735 quintals of C.M. R. but
the petitioner has deposited Rs.13,50,000.00 and Rs.
1,31,94,074.21 has been embezzled for his 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. 1,31,94,074.21. It is further submitted that
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 first information report and there is direct allegation against him.

Considering the aforesaid facts and circumstances, petitioner is directed to deposit 20% of Rs. 1,31,94,074.21 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 six 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, Kaimur at Bhabhua in Bhabhua P.S. Case No. 184 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 twelve months through bank draft.

(Sudhir Singh, J.)

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