

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29670 of 2015

Arising Out of PS.Case No. -5 Year- 2015 Thana -SHAMBHUGANJ District- BANKA

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Pravin Kumar Pandey Son of Late Ram Narayan Pandey, Resident of Village Salempur, P.S. Amarpur in the District of Banka, presently posted as Agriculture Co-ordinator Shambhuganj, P.S. Shambhuganj in the district of Banka.

.... Petitioner

Versus

1. The State of Bihar.
2. Bihar State Food Corporation, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Braj Nandan Kumar Tiwary, Advocate
For the State : APP
For the O.P. No. 2 : Mr. A.N. Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 29-07-2015 Heard learned counsel for the petitioner and learned

APP for the State assisted by learned counsel for opposite party

no.2.

2. The petitioner being the Agriculture Co-ordinator apprehends his arrest for the offences alleged under Sections 406, 409 and 420 read with Section 34 of the Indian Penal Code registered in connection with Shambhuganj P.S. Case No. 05 of 2015.

3. It is alleged in the first information report that the petitioner along with other co-accused Alok Mankar, purchased 18,750.60 quintals of paddy for the financial years 2013-14 and they distributed only 13,117.60 quintals paddy to different millers for preparing CMR. It is further alleged that



5633.00 quintals of paddy remained undistributed and during inspection, the same was not found in the godown and they did not deposit the sale proceed of the same and they are liable for the misappropriation @ 50% each and thereby they have defalcated the Government money to the tune of Rs.96,63,130.00/-

4. It is submitted that the petitioner has no criminal antecedent. It is further submitted that the petitioner has been made accused due to mistake of fact in the present case as there is no involvement on his part in causing loss to the State. The petitioner further expresses his readiness to deposit an amount of Rs.50,000/- in the court below subject to final result of the case.

5. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Banka, in connection with Shambhuganj P.S. Case No. 05 of 2015, subject to the conditions as laid down under Section 438 (2)

Cr.P.C. and subject to the further condition that the petitioner shall deposit an amount of Rs.50,000/- in the court below which shall be subject to the final disposal of the case.

(Vikash Jain, J)

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