

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.29552 of 2015**

Arising Out of PS.Case No. -38 Year- 2015 Thana -SHAMBHUGANJ District- BANKA

1. Mahendra Kumar Mandal Son of Late Mahabir Mandal Resident of village and Post Office- Basgara, Police Station - Forbesganj, District- Araria at present posted as Labour Enforcement Office Munger Sadar Block , District- Munger.

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. The District Manager , Bihar State Food and Civil Supplies Corporation, Banka.

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kundan Kumar  
For the Opposite Party/s : Mr. Amitesh Kumar(App)

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2 28-07-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner apprehends his arrest in a case registered under sections 406, 409, 420 of the Indian Penal Code.

Allegation against the petitioner is that he purchased 47388.40 quintals of paddy and distributed only 47017.00 quintals of paddy. It is further alleged that he misappropriated the 371.40 quintals of Govt. paddy and committed defalcation of the same to the tune of Rs. 4,73,575.00/-.

On behalf of the petitioner it is submitted that petiotner has no criminal antecedent. It is further submitted that

petitioner has been made accused due to mistake of facts in the present case. It is further submitted that there is no indulgence on the part of the petitioner for which the loss has been caused to the State. It is further submitted that petitioner is ready to deposit an amount of Rs. 50,000/- in the court below which shall be subject to the final dispose of the case.

On behalf of the State it is submitted that the petitioner is named in the first information report.

Considering the aforesaid facts, it is directed that petitioner shall deposit an amount of Rs. 50,000/- in the court below which shall be subject to the final disposal of the case, thereafter 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 bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Banka in Shambhuganj P.S. Case No. 38 of 2015, subject to the conditions as laid down under section 438(2) Cr.P.C.

**(Sudhir Singh, J)**

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