

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33855 of 2015

Arising Out of PS.Case No. -26 Year- 2015 Thana -DARIHAT District- SASARAM (ROHTAS)

Jailendra Kumar, son of Late Bateshwar Prasad, resident of Village - Moudihan , Post Office- Baraon Kala, Police Station- Darihat, District - Rohtas at Sasaram, the Proprietor of M/s Siddhi Vinayak Mini Rice Mill Akorhi Gola.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food and Civil Supplies Corporation, Rohtas at Sasaram.

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Sumit Kumar, Advocate
For the State : Mr. Sanjay Kr.Pandey(APP)
For the BSFC : Mr. Shailendra Kumar Singh, Advocate
Mr. Awadhesh Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 13-08-2015 Heard learned counsel for the petitioner and the learned counsel for the Bihar State Food Corporation as well as the learned counsel for the State.

The petitioner is apprehending his arrest in connection with Darihat P.S. Case No.26 of 2015 for allegedly having committed the offences under Sections 420 and 409 of the Indian Penal Code.

Learned counsel for the petitioner submits that though an allegation has been levelled against the petitioner that defalcation has been made to the tune of Rs.51,43,012/-, the petitioner as against the said amount has already pledged

properties to the tune of Rs.86,15,500/-. Learned counsel submits that in view of the fact that properties have already been pledged, there can be no scope for defalcation, as alleged by the Bihar State Food Corporation.

Considering the aforementioned submissions and the fact that the petitioner has already pledged the properties, which are enough and more to extinguish the said allegation, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, In-Charge ACJM, Dehri at Sasaram, in connection with Darihat P.S. Case No.26 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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