

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39867 of 2015

Arising Out of PS.Case No. -82 Year- 2015 Thana -SHIVSAGAR District- SASARAM (ROHTAS)

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Mohan Sah S/o late Halkhir Sah Resident of Village Sahuka P.s Sheosagar
District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food & Civil Supplies Corporation Ltd. through District
manager Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Narain Thakur, Advocate
For the Opposite Party/s : Mr. Anish Chandra (App)
For the Opposite Party
No. 2 : Mr. Nirmal Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-10-2015

Heard learned counsel for the petitioner and the State.

Petitioner is apprehending his arrest in a case instituted under Sections 409 and 420 of the Indian Penal Code.

Prosecution case, in brief, is that petitioner being owner of Rice Mill had received 4700 quintals paddy under an agreement to deposit 3149 quintals of C.M.R. but he has deposited only 1077.75 quintals of C.M.R. and the rest has not been deposited and Rs. 44,85,416.15/- 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.44,85,416.15/-. Now petitioner is ready to deposit 20% of the said amount within a period of six months.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and there is direct allegation against him.

Considering the aforesaid facts and circumstances,

petitioner is directed to deposit 20% of Rs. 44,85,416.15 before the State Food Corporation within a period of six months through bank draft.

In the meantime, the above named petitioner, in the event of arrest or surrender in the court below within a period of six weeks, be released on provisional anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Rohtas, at Sasaram, in connection with Sheo Sagar P.S. Case no. 82 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The provisional anticipatory bail granted to the petitioner shall be confirmed by the court below, if petitioner produces certificate showing that 20% of the outstanding dues has been deposited by him before the State Food Corporation within a period of six months through bank draft.

(Sudhir Singh, J)

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