

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21944 of 2015

Arising Out of PS.Case No. -97 Year- 2015 Thana -BRAHMPUR District- BUXAR

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1. Bhupendra Singh. Son of Late Mani Singh @ Munni Singh. Resident of
Village - Raghunathpur, Police Station - Brahmpur, District - Buxar.
..... Petitioner

Versus

1. The State of Bihar.

..... Opposite Party

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Appearance :

For the Petitioner : Mr. Satyendra Narayan Singh

For the Opposite Party : Mr. Meena Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-06-2015

Heard learned counsels for the petitioner and
the State.

Petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 406, 409,
420, 120B of the Indian Penal Code.

The prosecution case is that the petitioner
being rice miller was supplied 10509.60 quintals of paddy and
in lieu thereof the petitioner was supposed to supply 7041.43
quintals of Custom Milled Rice(CMR) but the petitioner did not
supply the same and thereby misappropriated Rs.
1,34,00,760/-.

It is submitted by learned counsel for the
petitioner that CMR rice was not received by the informant and
the CMR rice is still lying with the petitioner for which
petitioner is ready to supply the same. Moreover Certificate
Case No. 33 of 2013 being initiated against the petitioner has
been dismissed by the Certificate Officer.

It is submitted by Mr. Sailendra Kumar Singh, learned counsel for the Bihar State Food & Civil Supply Corporation that entire paddy supplied to the petitioner has been misappropriated and the stipulated period to supply CMR is now over. The certificate case has been dismissed on technical ground against which the appeal is pending.

The petitioner undertakes to deposit 20% of the alleged defalcated amount within a period of four months through bank draft before Bihar State Food & Civil Supply Corporation.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for five months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Brahmpur P.S. Case No. 97 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned Court below on deposit of 20% of the alleged defalcated amount.

The grant of bail to the petitioner will not preclude the authorities to recover the balance amount in accordance with law.

(Dinesh Kumar Singh, J)

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