

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24430 of 2015**

Arising Out of PS.Case No. -60 Year- 2015 Thana -JAGDIHSPUR District- BHOJPUR

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1. Madhusudan Dubey S/o Niwas Dubey Resident of village- Bharsara, P.S.- Jagdishpur, District- Bhojpur, Proprietor of M/s Mahavir Rice Mill situated at Bharsara, P.S.- jagdishpur, District- Bhojpur.

.... .... Petitioner/s

Versus

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

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

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**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Sinha  
For the Opposite Party/s : Mr. Binod Kr. 3(App)

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

3      03-09-2015      Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered under sections 420, 406, 409. 120(B) of the Indian Penal Code and 7 of the E.C. Act.

Prosecution case is that the petitioner being owner for rice mill has received paddy of 1927 quintals under an agreement to deposit 1291.09 quintals of rice but the petitioner has not given rice against the aforesaid quantity of 1927 quintals of rice and has misappropriated Rs. 27,95,932.86 being the cost of rice not given.

It has been submitted on behalf of the petitioner

that as per the allegation the outstanding dues against the petitioner is of Rs. 27,95,932.86. It is further submitted that petitioner is ready to deposit 20% of the said amount within a period of nine months.

On behalf of the State it has been submitted that the petitioner is named in the first information report and there is direct allegation against him.

Considering the aforesaid facts and circumstances petitioner is directed to deposit 20% of Rs. 27,95,932.86 before the State Food Corporation within a period of nine months through bank draft.

In the meantime, the above named petitioner in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order is directed to be enlarged on provisional anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Shri A.K. Manjhi, J.M. Arra in connection with Jagdishpur P.S. Case No. 60 of 2015, subject to the conditions laid down under section 438(2) Cr.P.C. The provisional bail granted to the petitioner shall be confirmed by the court below, if the petitioner produces certificate showing that the 20% of the outstanding dues has been deposited

by him before the State Food Corporation within a period of nine months through bank draft.

(Sudhir Singh, J)

M.Rahman/-

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