

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27881 of 2015

Arising out of PS.Case No. -124 Year- 2015 Thana -RAMGARH District- BHABHUA (KAIMUR)

Mohan Upadhyay, M/S Sarv Shri Vijay Rice Mill, Darvan Son of Late Shri Niwas Upadhayay Resident of village - Darvan, P.S. Ramgarh, District – Kaimur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Kumar Mishra, Advocate.

For the Opposite Party : Mr. Pramod Kumar Pandey (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-07-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in Ramgarh P.S. Case No. 124 of 2015 registered under sections 409 and 420 of the Indian Penal Code.

Prosecution case, in short, is that the petitioner being owner for rice mill has received paddy of 4184.00 quintals under an agreement to deposit 2803.28 quintals of C.M. R. but the petitioner has deposited only 2150.30 quintals of C.M.R and rest has not deposited and after adjusting Rs. 50,000/- Rs. 11,92,705.83 has been embezzled for personal benefit.

It has been submitted on behalf of the petitioner that as per the allegation the outstanding dues against the petitioner is of Rs. 11,92,705.83. It is further submitted that

petitioner is ready to deposit 20% of the said amount within a period of eight 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. 11,92,705.83 before the State Food Corporation within a period of eight 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 learned A.C.J.M., Bhabua in Ramgarh P.S. Case No. 124 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 eight months through bank draft.

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(Sudhir Singh, J)