

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29597 of 2015

Arising out of PS.Case No. -228 Year- 2015 Thana -BANKA District- BANKA

Samoda Nand Tiwary, Son of Late Sita Nath Tiwary, resident of Village-Khemichak , P.S.- Amarpur, District- Banka Partner of m/S Kamla Food Processing Industries, Khemichak , Amarpur, Banka (Bihar).

.... Petitioner

Versus

- 1. The State of Bihar
- 2. The Bihar State Food & Civil Supplies Corporation Limited.

.... Opposite Parties

Appearance :

For the Petitioner : Mr. Saket Tiwary, Advocate.
For the Opposite Parties : Mr. Dr.Kr.Uday Pratap(App)
For the B.S.F.C. : Mr. Awadhesh Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-07-2015 Heard learned counsels for the petitioner, B.S.F.C. and learned A.P.P. for the State.

The petitioner is apprehending his arrest in Banka P.S. Case No. 228 of 2015 registered under sections 406 and 420 of the Indian Penal Code.

Prosecution case, in short, is that the petitioner being owner for rice mill has received paddy of 36904.00 quintals under an agreement to deposit 24725.68 quintals of C.M. R. but the petitioner has deposited only 12960.00 quintals of C.M.R and rest has not deposited and Rs. 2,54,79,286.00 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. 2,54,79,286.00. It is further submitted that the petitioner has already deposited certain amount out of the aforesaid outstanding dues amount if it is so, the said amount shall be adjusted in 20 % of the amount which he is to deposit. It is further submitted that petitioner is ready to deposit 20% of the outstanding dues 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 outstanding dues amount 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 learned Chief Judicial Magistrate, Banka, in Banka P.S. Case No. 228 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.

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(Sudhir Singh, J)

