

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42088 of 2015

Arising Out of PS.Case No. -64 Year- 2015 Thana -SHIVSAGAR District- SASARAM (ROHTAS)

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1. Udai Kumar Pandey, Son of Sri Ram Bilas Pandey, Resident of Village-Konar, P.S.-Shivsagar, District-Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate B.S.F.C. Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Shukla

For the Opposite Party/s : Mr. Amrendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

3 15-10-2015 Heard learned counsel Mr. R.K. Shukla for the petitioner, learned counsel Ms. Jhotsna Kumari for the B.S.F.C. and learned A.P.P. for the State.

The petitioner, namely, Udai Kumar Pandey apprehends his arrest in Shivsagar P.S. Case No.64 of 2015 under Section 420 and 409 of the Indian Penal Code.

The allegation against the petitioner is that in spite of repeated direction to deposit the CMR to the extent of Rs.36, 26,756.78 and thereby he has embezzled the government amount. The F.I.R. was lodged against nine accused persons making similar allegation. The learned counsel for the petitioner submitted that in six cases filed by the co-accused persons this

Court granted anticipatory bail on condition that the petitioner shall deposit 20% of the alleged due amount through bank draft in favour of Bihar State Food and Civil Supplies Corporation Limited, Patna within a period of six months. Therefore, the petitioner is also ready to deposit the said amount i.e. 20% of the total alleged due amount within six months.

The learned counsel appearing for the B.S.F.C. Limited and learned A.P.P. for the State objected the prayer for anticipatory bail.

However, they did not dispute the fact that the other co-accused persons against whom also the same case is there, they have been granted provisional bail till six months and on deposit of the amount aforesaid before the B.S.F.C. the court below shall confirm the provisional anticipatory bail.

In view of the aforesaid facts and circumstances of the case and that the co-accused persons have already been granted provisional anticipatory bail in Cr. Misc. No.37384 of 2015 and Cr. Misc. No.33487 of 2015 I direct the petitioner to surrender before the court below within fifteen days after Durga Puja holidays and on his so surrendering, the petitioner shall be released on provisional bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to

the satisfaction of learned Chief Judicial Magistrate, Sasaram (Rohtas) in connection with Shivsagar P.S. Case No.64 of 2015. The provisional bail of the petitioner will be confirmed by the learned court below on deposit of 20% of the amount aforesaid within six months before the B.S.F.C. Limited in three instalments.

It is made clear that this order will be subject to any proceeding pending or that may be initiated for recovery of the due amount but this order will not be treated as an admission of the petitioner against the claim of the informant.

(Mungeshwar Sahoo, J)

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