

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27163 of 2015

Arising Out of PS.Case No. -111 Year- 2015 Thana -SAUR BAZAR District- SAHARSA

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Sahendra Kumar Yadav son of late Parmeshwari Yadav, resident of village–
Bhagwanpur, PS-Sour Bazar, District-Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. The State of Bihar through Principal Judge, Department of Food and
Civil Supplies, Patna, Bihar.
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-07-2015

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner is apprehending his arrest in connection
with Sour Bazar P.S. Case No. 111 of 2015 registered under sections
406, 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 17000.00 quintals under an
agreement to deposit 11390.00 quintals of C.M.R. but the petitioner has
deposited only 1621.20 quintals of C.M.R. and rest has not deposited
and Rs. 2,11,54,923/- 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.2,11,54,923/- It is further submitted that petitioner is ready to
deposit 20% of the said amount within a period of twelve 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. 2,11,54,923/- before the State Food Corporation within a period of twelve 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 four 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, Saharsa in Sour Bazar P.S. Case No. 111 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 twelve months through bank draft.

(Sudhir Singh, J)

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