

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31191 of 2015

Arising out of PS.Case No. -9 Year- 2015 Thana -TARARI District- BHOJPUR

Amit Kumar Singh, Son of Yogeshwar Prasad Singh, Proprietor Sai Ram Rice Mill Badakagaon, R/o Village - Badakagaon, P.S. - Tarari, District - Bhojpur.

.... Petitioner

Versus

- 1. The State of Bihar.
- 2. The Bihar State Food and Civil Supply Corporation Ltd. through District Manager, F.C.I. Office, Bhojpur, Ara.

.... Opposite Parties.

Appearance :

- For the Petitioner : Mr. Gopal Govind Mishra, Advocate.
- For the State : Mr. Ajay Kumar No.2(App)
- For the BSFC : Mr. Shailendra Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 31-07-2015 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 Tarari P.S. Case No. 09 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 6025.60 quintals under an agreement to deposit 4037.15.200 quintals of C.M. R. but the petitioner has not deposited the same and Rs. 10006323.46 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. 10006323.46. Out of the said amount, it is

claimed on behalf of the petitioner that he has already deposited Rs. 12,75,000/-. If the same is correct then the said amount shall be adjusted from 20% which he is to deposit of Rs. 10006323.46. It is further submitted that petitioner is ready to deposit 20% of the said amount within a period of one year.

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. 10006323.46 before the State Food Corporation within a period of one year 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, Bhojpur at Ara in Tarari P.S. Case No. 09 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 one year through bank draft.

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(Sudhir Singh, J)

