

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27671 of 2015

Arising out of PS.Case No. -57 Year- 2015 Thana -BARUN District- AURANGABAD

Kamal Kishore Gupta, Son of Punna Lal Gupta, resident of Vill - Baroon,
P.S. - Baroon, District -Aurangabad.

.... Petitioner

Versus

- 1. The State of Bihar.
- 2. The Bihar State Food & Civil Supply Corporation Ltd. Aurangabad.

.... Opposite Parties.

Appearance :

For the Petitioner : Mr. Brij Bihari Tiwary, Advocate.
For the State : Mr. Shyam Bihari Singh (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner is apprehending his arrest in Baroon
P.S. Case No. 57 of 2015 registered under sections 406, 409
and 420/34 of the Indian Penal Code.

Prosecution case, in short, is that the petitioner
being owner for rice mill has received paddy of 10434.26
quintals under an agreement to deposit 6991 quintals of C.M.
R. but the petitioner has deposited only 3510 quintals of C.M.R
and rest has not deposited and Rs. 72,38,215.00 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. 72,38,215.00 . It is further submitted that

petitioner is ready to deposit 20% of the said amount within a period of six 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. 72,38,215.00 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, Aurangabad in Baroon P.S. Case No. 57 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 six months through bank draft.

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(Sudhir Singh, J)