

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26229 of 2015

Arising Out of PS.Case No. -37 Year- 2015 Thana -UPHARA District- AURANGABAD

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1. Gaya Prasad son of Late Madina Prasad resident of village - Pahara, P.O.
- Pahara, P.S. - Pahara, District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Awadhesh Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-07-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered under Sections 406 and 409 of the Indian Penal Code.

The prosecution case, in short, is that the petitioner being the owner of rice mill .has received paddy of 15113.19 quintals under an agreement to deposit 10125.80 quintal of C.M.R but the petitioner has deposited only 5670.00 quintals of C.M.R and rest has not deposited and Rs. 67,66,038/- has been embezzled for personal benefit.

It has been submitted on behalf of the petitioner that as per allegation the outstanding dues against the petitioner is of Rs. 67,66,038/-. It is further submitted that the petitioner is ready to deposit 20% of the said amount within a period of ten months.

On behalf of the State, it has been submitted that

the petitioner is named in the FIR and there is direct allegation against him.

Considering the aforesaid facts and circumstances, the petitioner is directed to deposit 20% of Rs. 67,66,038/- before the State Food Corporation within a period of ten 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 released on provisional anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Aurangabad in Uphara P.S. Case No. 37/2015, subject to the conditions as laid down u/s 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 20% of the outstanding dues has been deposited by him before the State Food Corporation within a period of ten months through bank draft.

(Sudhir Singh, J)

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