

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31213 of 2015

Arising out of PS.Case No. -27 Year- 2015 Thana -DARPA District- EAST
CHAMPARAN(MOTIHARI)

Sanjay Prasad @ Sanjay Kumar, S/o Bholaji Prasad Resident of Narkatia,
P.S. - Darpa, District - East Champaran, Proprietor of M/s Sumitra Rice
Mill, Darpa, East Champaran.

.... Petitioner

Versus

- 1. The State of Bihar.
- 2. The District Manager, B.S.F.C. Motihari.

.... Opposite Parties.

Appearance :

- For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate.
- For the State : Mr. Shailendra Kr. 2(App)
- For the BSFC : Mr. Shailendra Kr. 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 Darpa
P.S. Case No. 27 of 2015 registered under sections 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 2600.00
quintals under an agreement to deposit 1742.00 quintals of
C.M. R. but the petitioner has deposited only 270.00 quintals of
C.M.R and rest has not deposited and Rs. 31,87,704.32 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. 31,87,704.32. 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. 31,87,704.32 before the State Food Corporation within a period of six 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 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 J.M. Ist Class, Raxaul at Motihari in Darpa P.S. Case No. 27 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)