

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29668 of 2015

Arising Out of PS.Case No. -79 Year- 2015 Thana -DHURAIYA District- BANKA

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Surendra Prasad Mehta, Son of Tarni Prasad Mehta, Resident of village-Konipar, Post Office- Dighi, Police Station- Suryagadha, District-Lakhisarai, At present residing at Renu Complex, New North Water Tank, Bahadurpur Housing Board Colony, Patna 26 and posted as Labour Superintendent, Muzaffarpur, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food & Civil Supplies Corporation Ltd, Banka.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Kundan Kumar, Advocate
For the State : APP
For the O.P. No.2 : Mr. A.N. Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 29-07-2015 Heard learned counsel for the petitioner and learned

APP for the State assisted by learned counsel for opposite party

no.2.

2. The petitioner being the Labour Officer apprehends his arrest for the offences alleged under Sections 409 and 420 of the Indian Penal Code registered in connection with Dhoraiya P.S. Case No. 79 of 2015.

3. It is alleged in the first information report that the petitioner along with co-accused Agriculture Co-ordinator, purchased 66,418.40 quintals of paddy and they distributed only 65,208.80 quintals paddy to different millers for preparing CMR.



It is further alleged that 1209.60 quintals of paddy remained undistributed and during inspection, the same was not found in the godown and in spite of notices issued to them, they did not reply the same and thereby they have misappropriated 1209.60 quintals of the Government paddy and committed defalcation of the same.

4. It is submitted that the petitioner has been made accused due to mistake of fact in the present case. It is further submitted that there is no involvement on the part of the petitioner for which the loss has been caused to the State. The petitioner further expresses his readiness to deposit an amount of Rs.50,000/- in the court below subject to the final result of the case.

5. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Dhoraiya P.S. Case No. 79 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also

subject to further condition that the petitioner shall deposit an amount of Rs.50,000/- in the court below which shall be subject to the final disposal of the case.

(Vikash Jain, J)

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