

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29191 of 2015

Arising out of PS.Case No. -37 Year- 2015 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

Manoj Prasad, S/o late Rajeshwar Prasad, Proprietor Bajrang Traders,
Village+ {/s Ramgadhawa, District East Champaran.

.... Petitioner

Versus

- 1. The State of Bihar.
- 2. The Bihar State Food and Civil Supplies Corporation, Patna, Bihar.

.... Opposite Parties

Appearance :

For the Petitioner : Mr. Krishna Mohan Mishra, Advocate.
For the State : Mr. U.L.Verma (App)
For the B.S.F.C. : Mr. Shailendra Kr. Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-07-2015 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
Ramgadhawa P.S. Case No. 37 of 2015 registered under
sections 409, 420 and 120(B) of the Indian Penal Code.

Prosecution case, in short, is that the petitioner
being owner for rice mill has received paddy of 4622.94
quintals under an agreement to deposit 3097.36 quintals of
C.M. R. but the petitioner has deposited only 2700.00 quintals
of C.M.R and rest has not deposited and Rs. 7,56,246.77 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. 7,56,246.77. It is further submitted that

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 first information report and there is direct allegation against him.

Considering the aforesaid facts and circumstances, petitioner is directed to deposit 20% of Rs. 7,56,246.77 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 Chief Judicial Magistrate, Motihari, in Ramgadhawa P.S. Case No. 37 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)