

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44449 of 2015**

Arising Out of PS.Case No. -67 Year- 2015 Thana -AADAPUR District- EAST  
CHAMPARAN(MOTIHARI)

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1. Kamlesh Yadav, son of Shri Mukti Yadav Resident of Village- Chainpur  
P.S. Adapur District East Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. The District Manager, Bihar State Food & Civil Supplies Corporation  
Limited, East Champaran , Motihari.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Suraj Samdarshi, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**

**JHA**

**ORAL ORDER**

3      17-12-2015                      Heard both sides.

The petitioner apprehends his arrest in Adapur P.S. Case  
No. 67/2015, registered for the offences punishable under Section  
409, 420 of the Indian Penal Code.

The petitioner is said to have lifted 5900 quintals of  
paddy and he had to deliver 3953 quintals of Custom Milled Rice.  
But he delivered only 2160 quintals of CMR. He misappropriated  
1793 quintals of CMR, the cost of which comes to Rs.  
38,82,849.08, out of which Rs. 15,000/- has already been paid. Rs.  
38,67,849.08 is still lying due against him.

Learned counsel for petitioner submits that S.F.C. did

not provide vehicles for transporting the CMR from the rice mill. The petitioner is not at fault. He is ready to deposit 20% of the aforesaid amount within four months from the date of this order.

Learned counsel for the S.F.C. did not oppose the prayer for anticipatory bail, if the petitioner is ready to deposit the amount.

Having considered the fact that the petitioner is ready to deposit 20% of the aforesaid amount, the 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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Motihari in connection with Adapur P.S. Case No. 67/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C., if the petitioner fails to deposit 20% of the aforesaid amount within four months from today learned court below shall cancel the bail bond of the petitioner.

**(Prabhat Kumar Jha, J.)**

Vinita/-

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