

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26212 of 2015

Arising out of PS.Case No. -57 Year- 2015 Thana -BARUN District- AURANGABAD

- 1. Brij Bihari Singh @ Vrij Bihari Singh.
- 2. Arun Kumar Pandey.
- 3. Sri Naresh Prasad Singh.

.... Petitioners

Versus

- 1. The State of Bihar.
- 2. The B.S.F.C., Aurangabad.

.... Opposite Parties.

Appearance :

For the Petitioners : Mr. Brij Bihari Tiwary, Advocate.
For the State : Mr. Tapeswar Sharma(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2015 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in Baroon P.S. Case No. 57 of 2015 registered under sections 406, 409 and 420/34 of the Indian Penal Code.

Prosecution case, in short, is that the petitioner no. 1 Brij Bihari Singh being owner for rice mill has received paddy of 5769 quintals under an agreement to deposit 3865.80 quintals of C.M. R. but he has deposited only 1890.00 quintals of C.M.R and rest has not deposited and Rs. 42,78,785/- has been embezzled for personal benefit. It is further alleged that he has deposited Rs. 10,00,000/- out of total outstanding dues Rs. 42,78,785/- hence, only Rs. 32,78,785/- as outstanding dues is pending against him. Similarly, petitioner no. 2 Arun



Kumar Pandey being owner for rice mill has received paddy of 6587.24 quintals under an agreement to deposit 4413.50 quintals of C.M. R. but he has deposited only 2970.00 quintals of C.M.R and rest has not deposited and Rs. 31,25,879.00 has been embezzled for personal benefit. Though in the F.I.R. it has been stated that Rs. 31,25,879.00 has been embezzled by petitioner no. 2 Arun Kumar Pandey but as per the certificate proceeding, Annexure-3 page-52 to the present application, it is mentioned that total outstanding dues of Rs. 25,41,178.00 is pending against the petitioner no. 2 Arun Kumar Pandey. Similarly petitioner No. 3 Sri Naresh Prasad Singh Singh being owner for rice mill has received paddy of 4925.68 quintals under an agreement to deposit 3300.20 quintals of C.M. R. but he has deposited only 2160.00 quintals of C.M.R and rest has not deposited and Rs. 24,69,185/- has been embezzled for personal benefit.

It has been submitted on behalf of the petitioners that as per the allegation the outstanding dues against the petitioners is of Rs. 32,78,785/-, 25,41,178.00 (mentioned in the certificate proceeding) and Rs. 24,69,185.00 respectively . It is further submitted that petitioners are ready to deposit 20% of the said amount respectively within a period of six months.

On behalf of the State it has been submitted that the petitioners are named in the first information report and there is direct allegation against them.

Considering the aforesaid facts and circumstances, petitioners are directed to deposit 20% of Rs. 32,78,785.00, 25,41,178.00 and 24,69,185/- respectively, before the State Food Corporation within a period of six months through bank draft.

In the meantime, the above named petitioners in the event of their 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 are directed to be enlarged on provisional anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Aurangabad in Baroon P.S. Case No. 57 of 2015, subject to the conditions laid down under section 438(2) Cr.P.C. The provisional bail granted to the petitioners shall be confirmed by the court below, if the petitioners produce certificate showing that the 20% of the outstanding dues respectively have been deposited by them before the State Food Corporation within a period of six months through bank draft.

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(Sudhir Singh, J)