

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47718 of 2015

Arising Out of PS.Case No. -94 Year- 2015 Thana -DUMRA District- SITAMARHI

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Arvind Kumar son of Madan Prasad Proprietor, M/s Arya Nandini Rice Mill, resident of village - Srirampur, P.S. Raxaul, District East Champaran.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi

For the Opposite Party/s : Mr. M.Dayal (App)

For B.S.F.C. : Mr.A.N. Rai

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 15-12-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State assisted by the learned counsel for the B.S.F.C.

The petitioner being a rice miller is apprehending his arrest in Dumra P.S. Case No.94 of 2015 for the offences under Sections 406, 409,420 and 34 of the I.P.C.

Learned counsel for the petitioner submits that though there is an allegation of defalcation of money of custom milled rice to the tune of Rs.8109502.42 paise only. The petitioner without prejudice to his rice is willing to deposit 20% of the alleged defalcated amount within a period of nine months.

Learned counsel appearing on behalf of the S.F.C. however submits that the petitioner has caused a loss and he may not be extended such benefit.

However, keeping in view of the fact that the other similarly situated co-accused persons have already been extended the privilege of anticipatory bail, let the petitioner, above named, in the event of his arrest or surrender, before the court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the C.J.M., Sitamarhi, in Dumra P.S.Case No.94 of 2015 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

It is made clear that the said order is subject to the condition that the petitioner will deposit 20% amount aforementioned within the time fixed by this Court. In case the same is not done, it shall be open to the Corporation to move this Court for the same.

(Anjana Mishra, J)

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