

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24751 of 2015

Arising Out of PS.Case No. -148 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

=====

Upendra Kumar Rai, son of late Jagdish Rai, resident of village Patelnagar,
Bharkhar, P.S.- Mohaniya, District- Kaimur.

.... Petitioner/s

Versus

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

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay

For the Opposite Party/s : Mr. Narendra Kumar Singh(App)
Mr. Shailendra Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 09-07-2015

Heard the parties.

The petitioner apprehends his arrest in connection with Mohaniya P.S. Case No. 148 of 2015 registered under Sections 409 and 420 of the IPC.

It is a case where the petitioner was supplied paddy for milling and delivery thereof to the Food Corporation of India at the agreed rate. The petitioner defaulted in doing so and thereby committed misappropriation of the Government fund in the sum of Rs. 37,72,405.53/-.

It has been submitted that diverse orders have been passed by this Court in identical/similar matters wherein after deposit of certain percentage of amount as also considering the fact that there is an agreement reached by and between the parties and in few cases proceeding under the PDR is also filed against

the accused, they have been privileged with anticipatory bail.

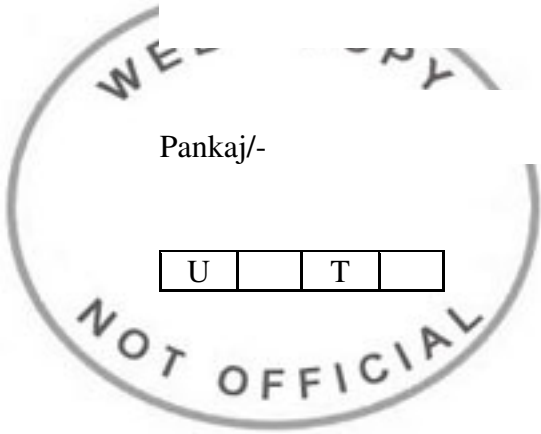
Learned counsel for the Bihar State Food & Civil Supplies Corporation Ltd., Patna (for short 'the Corporation') has not disputed the aforesaid contention.

Regard being had to the above, I direct that the petitioner, abovenamed, in the event of his arrest/surrender before the learned Court below within a period of five weeks from today, shall be released on provisional bail for a period of 06 months from the date of release on furnishing bail bonds of Rs. 15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Mohaniya P.S. Case No. 148 of 2015 subject to the condition as laid down under Section 438 (2) of the Cr.P.C with further condition that one of the bailers shall be the own/close family members of the petitioner.

The petitioner shall produce receipt of deposit of 15% of the misappropriated amount depicted in the F.I.R. through demand draft/bank instrument or otherwise in favour of the Corporation alongwith the bail bonds.

If the petitioner deposits the remaining 10% of the misappropriated amount within 06 months and furnish receipt/document with a prayer for confirmation of the bail, the

learned court below shall confirm the provisional bail.



Pankaj/-

(Kishore Kumar Mandal, J)