

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28276 of 2015

Arising Out of PS.Case No. -63 Year- 2015 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

Awadh Kishore Prasad S/o Late Lakshmi Prasad Resident of Shyampur
Bazar Adapur, P.S. - Adapur, District - East Champaran, Proprietor of M/s
Laxmi Rice Mill, Adapur, East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N.K. Agarwal, Sr. Advocate.
Mr. D.N.Tiwari, Advocate

For the B.S.F.C. : Mr. A.N. Rai, Advocate of B.S.F.C.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-07-2015 Heard learned Senior Counsel Shri N.K. Agrawal for the
petitioner, learned A.P.P. for the State and learned counsel for the
Bihar State Food & Civil Supplies Corporation, Motihari.

The petitioner apprehends his arrest in connection with
Adapur P.S.Case No. 63/2015 registered for offences punishable
under Sections 420 and 409 of the I.P.C.

Petitioner is a rice miller and accusation against the
petitioner is that he did not supply the rice as per agreement
executed between the parties and mis-appropriated huge
government money.

It is submitted that other cases were instituted against

different persons and this Court as well as Co-ordinate Bench of this Court have already granted the privilege of anticipatory bail to different persons taking note of agreement executed between the parties and also the fact that Certificate Case is pending between the parties.

Considering the aforesaid facts and circumstances as well as the statement of the parties, the petitioner is directed to deposit 12 % of the alleged defalcated amount through Bank Draft in the name of the District Manager, Bihar State Food & Civil Supplies Corporation Ltd. Motihari within a period of three months from the date of receipt/production of a copy of this order. However, the deposit will not prejudice the case of the petitioner in any manner what so ever.

Under such circumstances, petitioner, Awadh Kishore Prasad be released on anticipatory bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Raxaul at Motihari in Adapur P.S.Case No. 63 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

It may be noted that in case the said amount i.e. 12 %

of the alleged defalcated amount is not deposited within the aforesaid period specified above, the informant may bring it to the notice of the Court of the learned Judicial Magistrate, 1st class, Raxaul at Motihari in Adapur P.S.Case No. 63 of 2015, who will take appropriate steps in accordance with law.

(Nilu Agrawal, J)

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