

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15523 of 2016

Arising Out of PS.Case No. -168 Year- 2015 Thana -SUPAUL District- SUPAUL

Rajesh Biyani S/o Prakash Biyani, Resident of Village & P.O. - Fyulwari,
P.S. - Bhaktinagar, District - Jalpaeeguri (West Bengal).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Vivek Kumar, Advocate

For the Opposite Party : Mr. S.Ehteshmuddin, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2016 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Supaul P.S. Case No. 168 of 2015 registered under sections 406, 409, 420 and 120(B) of the Indian Penal Code.

Prosecution case, in short, is that the informant is the District Manager of State Food Corporation, Supaul, submitted his official letter alleging therein that proprietor of M.M.Agrotec (Rice Mill) and the informant executed an agreement for Kharif marketing year 2012-13. As per agreement, the proprietor of rice mill received 991.02 M.T. rice from SFC and the mill had provide 67% of paddy i.e. 663.98 M.T. custom milled rice to the SFC. The said mill had not supplied custom milled rice and misappropriated 663.98 M.T.

rice worth Rs/-1,43,78,885.29.

It has been submitted on behalf of the petitioner that as per the allegation the outstanding dues against the petitioner is of Rs. 1,43,78,885.29. It is further submitted that petitioner is ready to deposit 20% of the said amount within a period of three months.

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

Considering the aforesaid facts and circumstances, petitioner is directed to deposit 20% of Rs. 1,43,78,885.29 before the State Food Corporation within a period of three months through bank draft.

In the meantime, the above named petitioner in the event of his 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 is directed to be enlarged on provisional anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **Chief Judicial Magistrate, Supaul** in connection with **Supaul P.S. Case No. 168 of 2015**, subject to the conditions laid down under section 438(2) Cr.P.C. The provisional bail granted to the petitioner shall be confirmed by the court below, if the petitioner produces certificate showing that the 20% of the outstanding dues has been deposited by

him before the State Food Corporation within a period of three months through bank draft.

(Sudhir Singh, J)

B.Kr./-

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