

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18839 of 2016

Arising Out of PS.Case No. -108 Year- 2016 Thana -BANKA District- BANKA

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Prasadi Sah, S/o Late Mallu Sah, R/o Village- Aliganj (Gangti), P.O. -
Mirzan Hatt, P.S. - Mozahidpur, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food & Civil Supply Corporation Ltd.,
Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Sharda Nand Mishra, Advocate
Mr. Dhananjay Kumar Gupta, Advocate
For the BSFC : Mr. Manas Prakash, Advocate
For the State : Mr. Amit Kr.Rakesh(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

8 08-08-2016 Heard learned counsel for the petitioner and the

learned counsel appearing for the BSFC as well as the learned

counsel for the State.

The petitioner is apprehending his arrest in connection
with Banka P.S. Case No.108 of 2016 registered for the offence
under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that as on
date, the petitioner still owes to the BSFC a sum of
Rs.14,99,608/- only. He further submits that the petitioner has
fallen into bad times, but he is still willing to pay back the
money in equal instalments.

Learned counsel for the BSFC has filed a counter affidavit stating that the amount as stated by the petitioner is, in fact, correct. He further submits that recovery of the money is crucial for arriving at a decision in this case and if the petitioner agrees to pay back the same, then a time-frame be fixed so that the money is recovered to the Corporation.

After considering all the facts and circumstances, at the outset, let the petitioner pay back a sum of Rs.5,00,000/- (Five lacs) within a period of four months from the date of passing of this order. The rest amount of Rs.9,99,608/- (Nine lacs ninety-nine thousand six hundred eight) shall be paid in equal instalment by the petitioner within a period of nine months thereafter. In case the petitioner pays the first instalment, then, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Banka P.S. Case No.108 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that if the petitioner defaults in making payment of the rest amount, then it shall be open to the BSFC to move the Court below or this Court for modification/cancellation of this order.

(Anjana Mishra, J)

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