

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20230 of 2016

Arising Out of PS.Case No. -17 Year- 2016 Thana -RISHIYAP District- AURANGABAD

=====

1. Saket Kumar son of Lallu Prasad Singh, residnet of village Sibani Bigha,
P.O.- Rishiup, P.S.- Kutumba, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil Supplies Corporation through its M.D.
Bihar, at Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Anita Kumari (App)

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

6 18-07-2016 Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing on behalf of
the State.

This application for grant of anticipatory bail arises
out of Risiap P.S. Case No. 17 of 2016, disclosing offences
under Sections 406, 409 and 420 of the Indian Penal Code.

Learned counsel appearing on behalf of the
petitioner, has submitted that the allegation against the
petitioner is of misappropriating 5493.50 quintals of C.M. R.,
amounting to Rs. 1, 18,96,504/-. The petitioner is said to
have paid an amount of Rs. 43, 00,000/- against the said
amount of Rs.1, 18,96,504/- till the lodging of the First
Information Report. Out of the remaining amount of Rs. 74,

84,645/-, the petitioner is said to have deposited a sum of Rs. 10,00,000/-, on 18.06.,2016, in the account of Bihar State Food & Civil Supplies Corporation.

Learned counsel for the petitioner submits that a certificate proceeding has been initiated for recovery of an amount of Rs. 1,03,11803/- instead of Rs. 1,18,96,504/- as mentioned in the First Information Report which is said to have been defalcated by the petitioner. He submits that after adjusting the amount which the petitioner has already deposited, against the amount sought to be recovered from him in the certificate proceeding, the petitioner is ready to deposit the rest amount in the account of Bihar State Food & Civil Supplies Corporation in fifteen equal monthly installments. He further submits that the payment of this amount shall be subject to final outcome of the certificate proceeding. He has also submitted that first installment of remaining amount, i.e., Rs. 50,11803/- of Rs. 4,00000/- shall be paid in the first week of August, 2016 and subsequent installments at the rate of 4 lacs per month shall be deposited in the first week of September, 2016 and subsequent months till the entire amount of Rs. 50,11,803/- is liquidated .

Considering the fair stand taken on behalf of the petitioner, in the facts and circumstances of the case, this

application is allowed. Let the petitioner above-named in the event of his arrest/surrender within four weeks from today in the Court below 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 the learned Judicial Magistrate, Ist Class, Aurangabad in Risiap P.S. Case No. 17 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

ArunKumar/-

U			
---	--	--	--