

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27547 of 2016

Arising Out of PS.Case No. -142 Year- 2016 Thana -KUDRA District- BHABHUA (KAIMUR)

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Jitendra Singh son of Ram Keshwar Singh, Resident of village+ P.O. Kudra, Police Station- Kudra, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar
2. The State Food Corporation through its Managing Director, Patna, Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate

For the B.S.F.C. : Mr. Harish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Sections 409 and 420 of the Indian Penal Code.

Prosecution case, in brief, is that petitioner being owner of Rice Mill had received 5828 quintals paddy under an agreement to deposit 3904.76 quintals of C.M.R. but he has deposited only 537.94 quintals of C.M.R. and the rest has not been deposited and Rs. 50, 41, 267. 28/- has been embezzled for personal benefit.

It has been submitted on behalf of the petitioner that as per allegation the outstanding dues against the petitioner is of Rs.50, 41, 267.28/-. Now petitioner is ready to deposit 20% of the said amount within a period of four months.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and there is direct allegation against him.

Considering the aforesaid facts and circumstances, petitioner is directed to deposit 20% of Rs. 50, 41, 267.28/- before the State Food Corporation within a period of four months through

bank draft.

In the meantime, the above named petitioner, in the event of arrest or surrender in the court below within a period of six weeks, be released on provisional anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua, in connection with Kudra P.S. Case no. 142 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The provisional anticipatory bail granted to the petitioner shall be confirmed by the court below, if petitioner produces certificate showing that 20% of the outstanding dues has been deposited by him before the State Food Corporation within a period of four months through bank draft.

(Sudhir Singh, J)

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