

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45372 of 2015

Arising Out of PS.Case No. -201 Year- 2015 Thana -BHABHUA District- BHABHUA (KAIMUR)

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Shiv Chandra Mahto, son of Gulo Mahto, resident of Sakim Vishahar Place
Phulwaria, P.S. Phulwaria, Begusarai, Maa Laxmi Rice Mill, District
Begusarai.

.... Petitioner

Versus

1. The State of Bihar.
2. The Bihar State Food & Civil Supplies Corporation Ltd. Bihar, Patna

.... Opposite Parties

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-01-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Sections 409, 420, 467 and 468 of the Indian Penal Code.

Prosecution case, in brief, is that petitioner being Proprietor of M/s Laxmi Rice Mill, Phulwaria, had received 2872.80 quintals of paddy under an agreement to deposit 1924.78 quintals of C.M.R. till 31.12.2014 but he has deposited nothing within the date fixed and Rs.47,70,672 .80/- 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.47,70,672.80/-. Now petitioner is ready to deposit 20% of the said amount within a period of one year.

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. 47,70,672.80/- before

the State Food Corporation Ltd. within a period of one year 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 Bhabhua P.S. Case no. 201 of 2015, 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 Ltd. within a period of one year through bank draft.

(Sudhir Singh, J)

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