

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42965 of 2016

Arising Out of PS.Case No. -47 Year- 2016 Thana -BARUN District- AURANGABAD

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Pankaj Kumar S/o Narendra Kumar Singh, Proprietor of M/s Maa Durga
Roce Mill Barun R/o vill Urdina, P.S.Barun, District-Aurangabad

.... Petitioner

Versus

1. The State of Bihar

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

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 17-10-2016

Heard Sri Y.C. Verma, learned Senior Counsel,

who was assisted by Sri Ashok Kumar Singh, learned counsel for
the petitioner, learned Addl. Public Prosecutor as well as Sri
Shailendra Kumar, learned counsel, who has appeared on behalf of
Opp.Party no.2/ Bihar State Food & Civil Supplies Corporation,
Bihar, Patna.

The petitioner, who is a rice-miller and is in custody
since recently, has prayed for grant of bail in Barun P.S. Case
No.47/2016 registered for the offence under Sections 406,409. 420
of the Indian Penal Code.

It is case of the prosecution that the petitioner being
a rice-miller has misappropriated the amount more than one crore.
Learned Senior Counsel appearing on behalf of the petitioner
submits that before lodging F.I.R., the petitioner had already

deposited Rs.40 Lacs. It was submitted by learned counsel for the petitioner that it is dispute in accountancy and according to learned counsel for the petitioner, some regarding transportation amount is lying with Opp.Party no.2. Subsequently, the petitioner has already deposited Rs.44 Lacs. Presently, as per prosecution about Rs.44 Lacs is outstanding.

Accordingly, the Court is of the opinion that the petitioner, namely, Pankaj Kumar can 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, Aurangabad in connection with Barun P.S. Case No.47/2016, provided he deposits Rs.20 lacs in the court. Before release, the petitioner is required to deposit Rs.10 Lacs and after release on bail, within a period of three months, he will deposit the remaining amount of Rs.10 Lacs.

It is made clear that if the remaining amount after being released is not deposited by the petitioner within specified time, his bail bond shall stand automatically cancelled. The petitioner will deposit the said amount in terms of bank draft in favour of Bihar State Food and Civil Supplies Corporation.

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(Rakesh Kumar, J)