

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33966 of 2016

Arising Out of PS.Case No. -93 Year- 2016 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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Asheshwar Singh, S/o Late Asharfi Singh, Prop M/s Santosh Mini Rice Mill
Industrial Area, Raxaul, R/o Chawal Bazar, P.S.- Raxaul, P.O.- Raxaul,
District- East Champaran. Petitioner

Versus

1. The State of Bihar.
2. The District Manager, State Food Corporation, Motihari, District East
Champaran Opposite Parties

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Appearance:

For the Petitioner : Mr. Krishna Mohan Mishra, Advocate
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 20-10-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the Bihar State Food Corporation.

The petitioner is apprehending his arrest in connection
with Raxaul P.S. Case No. 93 of 2016 registered for the offences
punishable under Sections 409, 420 and 120B/34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
State Food Corporation has alleged a defalcation of amount of
Rs.68,85,036.68/- being quantified amount of 3361.7340 quintals
of rice. He further submits that whatever be the allegations, the
petitioner is willing to co-operate in the investigation and he is
also willing to deposit 20% of the alleged defalcated amount as
aforementioned. He further submits that he shall deposit the said
amount within a period of four months from today. In view of

such bonafide offer made by the petitioner, he prays that he may be extended the benefit of pre arrest bail.

Learned counsel appearing on behalf of the State Food Corporation however seriously contends that the petitioner does not deserve the said benefit, as he has also filed such certificate proceeding against him and the State is being occasioned serious financial loss.

However, considering the bonafide offer made by the petitioner, if the petitioner deposits 20% of the alleged defalcated amount, within a period of four months from today, in event of such deposit being made, let the petitioner above named, 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, be enlarged 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 Sub-Divisional Judicial Magistrate, Motihari, East Champaran in connection with Raxaul P.S. Case No. 93 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J.)

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