

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31045 of 2016

Arising Out of PS.Case No. -277 Year- 2016 Thana -MADHEPURA District- MADHEPURA

Indu Bhushan Kumar, Son of Sri Kishun Prasad Yadav, Resident of
Village- Chakla, P.S. & District- Madhepura

.... Petitioner

Versus

1. The State of Bihar
2. The District Manager S.F.C., Madhepura.

.... Opposite Parties

Appearance:

For the Petitioner : Mr. Sanjay Kumar, Advocate
For the State : Mr. Binod Kumar (APP16)
For the B.S.F.C. : Mr. Aditya Prakash Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 16-08-2016 Heard the counsel for the petitioner and Mr. Binod
Kumar, APP for the State as well as Mr. Aditya Prakash Sahay,
counsel for the B.S.F.C.

The petitioner herein seeks anticipatory bail in
Madhepura P.S. Case No.277 of 2016, registered under Sections
409 and 420 of the Indian Penal Code.

Petitioner was provided by the informant 12,969.35
quintals of paddy for milling. Petitioner being the rice mill owner
was required to custom meal the paddy and provide 8689.46
quintals of CMR. It is alleged that the petitioner only provided
4590 quintals of CMR. Remaining 4099.46 quintals of CMR was
not deposited. In this manner, it is alleged, that the petitioner

defalcated a sum of Rs. 83,27,626/- out of which Rs. 53,00,000/- has only been paid.

The contention of the petitioner is that a certificate proceeding was also initiated in which he has deposited more amount after requesting for adjusting the transportation charges involved in carrying the CMR. If any amount over and above is found due, the petitioner undertakes to pay the same. However a stand has been taken that the petitioner has paid the entire alleged defalcated amount of the Corporation.

Having heard the parties and considering the stand taken by the petitioner that if any amount of the Corporation is still outstanding with him he is willing to pay, I am inclined to dispose of the application by the following order:-

Let the petitioner above named, in the event of arrest/surrender within four weeks from today, be released on provisional bail for a period of one month therefrom 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, Madhepura in Madhepura P.S. Case No.277 of 2016 subject to the condition that one of the bailors shall be his own/close family member. In the meantime, it will be open to the petitioner to demonstrate that the remaining dues, if any, of the

Corporation has been paid. If upon hearing both sides it is found that the petitioner has paid all the amount as reflected in the First Information Report then the learned Court below shall confirm the bail of the petitioner. Otherwise, the learned court below shall deny the confirmation of the provisional bail.

(Kishore Kumar Mandal, J.)

ravi/-

U		T	
---	--	---	--