

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24054 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -DUMRA District- SITAMARHI

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1. Ram Bali Mahto Son of late Anutha Mahto Resident of Village- Toal Barahi, Chintaman, PO. Bokatha, PS Mejorganj, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil Supplies Corporation Ltd. Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.
Mr. Arun Kumar, Adv.
For the State : Mr. M. Kumar Ranjit Ranjan, APP
For the BSFC : Mr. Niraj Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 21-07-2016 Heard the parties.

This application, for grant of anticipatory bail, arises out of Dumra P.S. Case No. 50 of 2016, disclosing offences under Sections 406,409,420,427 of the Indian Penal Code.

The petitioner at the relevant point of time was posted as Block Agricultural Officer, at Bathnaha Block of Sitamarhi District and was deputed as paddy purchase centre in-charge. In that capacity, he is said to have purchased 3282 quintals of paddy which was to be supplied to the miller for supplying CMR. Allegedly the total paddy supplied to the miller out of the said 3282 quintals was only 3112.85 quintals. It is alleged accordingly,

against the petitioner and accused persons that they misappropriated rest quantity of paddy to the tune of 169.55 quintals. Value of the paddy so misappropriated has been calculated as Rs. 2,73,721.52/-

Learned senior counsel appearing on behalf of the petitioner has submitted that the petitioner was required to make purchase only and thereafter the paddy was to be lifted and deposited in the miller by the lifting in-charge. He has also submitted that a certificate proceeding has also been initiated for recovery of the said amount. Learned senior counsel also submits that the petitioner is ready to deposit 50 % of the said amount of that 25.37 in the account of, Bihar State Food and Civil Supplies Corporation Ltd. Sitamarhi, within a period of one and half month from today.

Considering the aforesaid stand taken on behalf of the petitioner, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Sitamarhi** in connection with Dumra P.S. Case No. 50 of 2016 subject to the condition laid down under Section

438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner, above named, shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

It is made clear that any payment made in view of the undertaking given on behalf of the petitioner, as noted above, shall be without any prejudice to the rights and contentions for the certificate proceedings or any criminal proceedings.

(Chakradhari Sharan Singh, J)

Prakash/-

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