

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32632 of 2016

Arising Out of PS.Case No. -91 Year- 2016 Thana -BARUN District- AURANGABAD

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1. Vijay Kumar Singh S/o Late Jageshwar Singh, Resident of Village
Tenga, P.S- Barun, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kameshwar Prasad Singh S/o Late Hari Narayan Singh, District
Magistrate, State Food Co-operation, Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Singh, Sr. Advocate
Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Sachin Kumar
For the State : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 02-09-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State as well as learned
counsel appearing on behalf of the Bihar State Food and Civil
Supplies Corporation.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections
406/409/420 of the Indian Penal Code.

Learned counsel for the petitioner submits that though there
is an allegation against the petitioner of having defalcated CMR
rice quantified at Rs. 40,33,947/- the petitioner had been paying a
substantial amount even prior to the lodging of the present First

Information Report. He submits that the said fact is evident from the FIR itself. He further submits that the rest amount of Rs. 40,33,947/- shall be returned by him within a period of one year from today.

However, considering the bonafide offer made by this petitioner, it is directed that the petitioner shall return back the aforementioned amount in the following manner:-

1. The 25% of the aforementioned alleged amount shall be deposited by the petitioner within six weeks from today.

In case, the petitioner deposits the amount, let the petitioner, in the event of his arrest / surrender 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 bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. Case No. 91/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

2. The rest amount of 75% shall then be returned by the petitioner within nine months thereafter.

3. Each of the installments shall be paid by the petitioner

within three months of last payment made by the petitioner.

4. In case the petitioner defaults in making payment of any of the installments, it shall be open to the Bihar State Food and Civil Supplies Corporation to approach the Court below or even this Court for modification/cancellation of the present order.

(Anjana Mishra, J)

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