

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 33169 of 2016

Arising Out of PS.Case No. -71 Year- 2016 Thana -ADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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Madan Prasad, son of Late Motilal Sah, Pro. M/S Jagdamba Rice Mill
Shyampur P.S. Adaipur District East Champaran at Motihari.

.... Petitioner

Versus

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

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Opposite Party/s : Mr. Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 30-11-2016 Heard Sri Sanjay Kumar, learned counsel for the

petitioner, Sri Arun Kumar Pandey, learned Addl. Public

Prosecutor as well as Sri Vikas Kumar, learned counsel who has

appeared on behalf of State Food Corporation Ltd./opposite party

no. 2.

The petitioner, who is a rice miller, has approached
this Court for grant of anticipatory bail in Adapur P.S. Case No.
71 of 2016 registered for offence under Sections 409 and 420 of
the Indian Penal Code.

The petitioner is accused in the said case on allegation
of misappropriation of huge public fund on account of
procurement of *Paddy*.



It was submitted by learned counsel for the petitioner that subsequently the petitioner has cleared the entire amount, which was allegedly misappropriated by the petitioner.

The Court is of the opinion that merely on the ground that petitioner has already deposited the alleged defalcated amount, the petitioner may not be granted privilege of anticipatory bail.

If so advised, the petitioner may appear before the court below and make a prayer for regular bail and try to persuade the court below that he has already deposited the amount and thereafter, learned court below may examine the same and pass appropriate order in accordance with law. In any event, all those things are to be considered if within a period of six weeks from today the petitioner appears before the court below and makes a prayer for grant of regular bail.

The petition stands disposed of.

In view of disposal of this petition, the interim order of stay dated 20-08-2016 stands automatically vacated.

(Rakesh Kumar, J.)

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