

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21381 of 2016

Arising Out of PS.Case No. -4 Year- 2015 Thana -SUPAUL District- SUPAUL

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Lalit Prasad Sah (Proprietor of M/s Lalit rice Mill),, son of Shri Ram Prasad Sah, Resident of village + P.O.- Karjain Bazar, P.S.- Karjain Bazar, District- Supaul
..... Petitioner

Versus

1. The State of Bihar.
 2. The District Manager, Bihar State Food and Civil Supplies Corporation, Supaul.
 3. Economic Offence Unit through Superintendent of Police, Economic Offence Unit , Bihar. Opposite Parties
- =====

Appearance :

For the Petitioner/s : Mr. P.K.Shahi, Advocate
For the Corporation : Mr. Vikash Kumar , Advocate
For the E.F.Unit : Mr. Akhileshwar Pd.Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 19-05-2016 Heard learned counsel for the petitioner, the Corporation and the Economic Offence Unit.

The petitioner apprehends his arrest in a case under sections 420,406,467,468,469,471,120B of the IPC.

Petitioner is the owner of a rice mill at Karjain Bazar. Mill was given contract for milling paddy. Allegation is that the mill failed to account for milled rice to the extent of Rs. 8, 10, 01422.70. For the said misappropriation, a certificate proceeding being Certificate case No. 56/ of 2014-2015 was initiated in which the Certificate officer recalled warrant of arrest vide order, dated

17.6.2015 on the condition that the petitioner would continue to deposit the aforesaid amount in equal installment of Rs.20 lacs per month.

The petitioner submits that as per order of the Certificate officer, he is paying Rs.20 lacs per month and till 10.4.2016 he has deposited over 5 crores 10 lacs. Thus by now he has deposited 62 percent of the alleged misappropriated amount out of Rs. 8,10 crores and odd. He further submitted that while calculating the due amount, respondents have not calculated some of the cost incurred by the petitioner like transportation etc. he further submits that he would be depositing the rest amount in equal installment of Rs.20 lacs per month as per the order of the Certificate officer.

Counsel for respondent nos. 2 and 3 submit that the petitioner still has to pay a sum of Rs.3 crores approx for which certificate case has been initiated. Furthermore, Hon'ble Supreme Court has deprecated act of granting of anticipatory bail in such cases on deposit of 20 percent of the outstanding dues.

As the petitioner has deposited 62 percent of alleged outstanding amount and as he assures to deposit the balance in monthly installment of Rs.20 lacs, in the event of

arrest/surrender, let the petitioner, mentioned above, be released on bail on furnishing bail bond of Rs.5,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Supaul in P.S. Economic offence Unit Patna No.04 of 2015, on the condition that he would be paying the rest amount as per conditions of order, dated 17.6.2015, passed in certificate proceeding.

This conditional order would stand confirmed on the deposit of full amount.

Shashi./-

(Samarendra Pratap Singh, J)

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