

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31017 of 2016

Arising Out of PS.Case No. -148 Year- 2016 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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Avinash Kumar Singh Son of late Arun Kumar Singh Resident of Village-
Kabilashpur, P.S Durgawati, District Kaimur Bhabhua.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies Corporation through its District
Magistrate Kaimur Bhabhua.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.
Mr. Sumeet Kumar Singh, Adv.
Mr. Abhimanyu Singh, Adv.
For the B.S.F.C. : Mr. Harish Kumar, Adv.
For the State : Mr. Narsingh Tanti (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 04-10-2016 Heard learned counsel for the petitioner and

learned counsel for the Bihar State Food Corporation
and learned counsel appearing on behalf of the State.

The petitioner apprehends his arrest in
connection with Durgawati P.S. Case No. 148 of 2016
for the offences registered under Sections 409 and 420
of the Indian Penal Code.

Earlier the matter was heard at length and the
Bihar State Food Corporation have been directed to file
an affidavit verifying the receipts which have been filed
indicating the payments made by the petitioner after the

present FIR has been lodged.

Today, a counter affidavit has been filed before this court indicating that apart from Rs. 22 lakhs deposited by the petitioner before the filing of the first information report, no other payment is on record (paragraph-5).

However, learned counsel for the petitioner has brought on record a receipt dated 31.03.2014 which clearly indicates that apart from Rs. 22 lakhs admitted to have been deposited before the Bihar State Food Corporation, another 22 lakhs 50 thousand have been already deposited which makes the amount stated in the FIR to be incorrect.

Learned counsel for the Bihar State Food Corporation, however, submits that there are no documents available in the Bihar State Food Corporation to support the said receipt and if the same is produced before the Corporation, it will be taken into consideration after proper verification.

Learned Senior Counsel appearing on behalf of the petitioner submits that the petitioner is willing to pay 22 percent of the alleged defalcated amount after the amount is so calculated and upon due verification by the

State Food Corporation.

In view of the *bona fide* offer made by the petitioner, let the petitioner deposit 20 percent of the defalcated/remaining amount which stands due to the State Food Corporation within a period of four months from the date it is so calculated by the State Food Corporation. It is made clear that the petitioner must appear before the State Food Corporation for making the said calculation within a period of three weeks from today. No sooner the calculation is made, the petitioner shall deposit the 20 percent amount so calculated within the period as indicated above.

In view of the aforementioned facts and circumstances of the case and on account of the offer made by the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kaimur (Bhabua) in connection with Durgawati P.S. Case No. 148 of 2016, subject to the conditions as laid down under

Section 438(2) of the Code of Criminal Procedure.

However, it is made clear that if the petitioner violates any of the undertaking given before this Court and shall not appear before the State Food Corporation within the period aforementioned, it shall be open for the Corporation to move in accordance with law.

(Anjana Mishra, J)

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