

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35153 of 2016

Arising Out of PS.Case No. -189 Year- 2016 Thana -KUDRA District- BHABHUA (KAIMUR)

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Harihar Prasad @ Harihar Shah, Son of Shiv Bachan Shah Resident of
Village- Lalapur, P.S. Kudra, District Kaimur.

.... Petitioner

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil Supplies Corporation Limited through
the Manager Kaimur at Bhabua.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sumit Kumar Singh, Advocate
For BSFC : Mr. Harish Kumar, Advocate
For the Opposite Party/s : Mr. Murlidhar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

2 02-09-2016

Heard learned counsel for the petitioner, learned counsel
appearing for BSFC and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Kudra P.S. Case no. 189 of 2016, registered under Section 409 and
420 of the Indian Penal Code.

The accusation is that petitioner being the owner of the
M/s Maa Vindhvasini Rice Mill uplifted 5000/- quintals of rice with
agreement to supply the same, but 3081.08 quintals of rice did not
supply as such the petitioner misappropriated Rs. 6672263.60.
Thereafter, he only deposited Rs. 24,00,000/- and remaining Rs.
42,72,263.60 is still due.

Learned counsel for the petitioner submits that, in fact,
the immovable property of the petitioner is hypothecated with the

B.S.F.C. Moreover, the petitioner is ready to deposit 20% of Rs. 42,72,263.60 within four months.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on provisional bail for a period of 04 months, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kaimur (Bhabua), subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned Court below on submission of receipt of 20% of Rs. 42,72,263.60, deposited in the concerned department, within a period of four months.

(Rajendra Kumar Mishra, J.)

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