

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48113 of 2016

Arising Out of PS.Case No. -85 Year- 2016 Thana -MAKER District- SARAN

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1. Shivdhar Singh Son of Late Nagina Singh Resident of Village -Baghakol,
P.S- Maker, District - Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food & Civil Supplies Corporation Limited.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary
For the Opposite Party/s : Mrs.. Meena Singh, APP
For the Corporation : Mr. . Mayank Shekhar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 15-12-2016 Heard Mr. Tiwary for the petitioner and Mr. Mayank
Shekhar for the Corporation.

Petitioner, being the Secretary of the business centre where
the paddy was purchased, is facing prosecution under sections
409, 420 and 120(B) of the Indian Penal Code vide Maker P.S.
Case No. 85 of 2016.

The allegation is that he purchased 494.46 quintals of paddy
from the farmers but required C.M.R. i.e. equivalent to 331.30
quintals of rice was not deposited to the S.F.C. In this way, he
misappropriated Rs. 6,97,188/- government fund. A
supplementary affidavit is filed wherein it has been stated that a
sum of Rs. 50,000/- has been deposited by the petitioner in the
account of Maker Vyapar Mandal standing in Cooperative Bank.



Owing to certain intervening circumstances, he could not deposit the remaining amount which he is willing to deposit.

Considering the above as also the stand taken by the Corporation on such statement at Bar by the petitioner, I direct that in the event of arrest or surrender within four weeks, the petitioner shall be released on provisional bail for a period of three months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in Maker P.S. Case No. 85 of 2016 subject to the condition that before expiry of the period of provisional bail, the petitioner shall approach the Court for confirmation of bail on producing receipt/document showing deposit of the remaining amount alleged to have been defalcated by the petitioner in the Bank or in the office of the District Manager of the Corporation whereafter the learned Court below shall confirm the bail. It is clarified that payment so made by the petitioner shall be without prejudice to the right and defence of the petitioner in the case with further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear



in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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