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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47540 of 2016

Arising Out of PS.Case No. -191 Year- 2016 Thana -CHAKIA
District- EAST CHAMPARAN(MOTIHARI)

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Pankaj Kumar, son of Dhrup Nath Tiwari, resident of Village- Tarania, Chakia, P.S.- Chakia, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rajesh Ranjan, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 24-11-2016 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Chakiya P.S. Case No.191 of 2016 for allegedly having committed the offence under Sections 406, 420 and 409/34 of the Indian Penal Code.

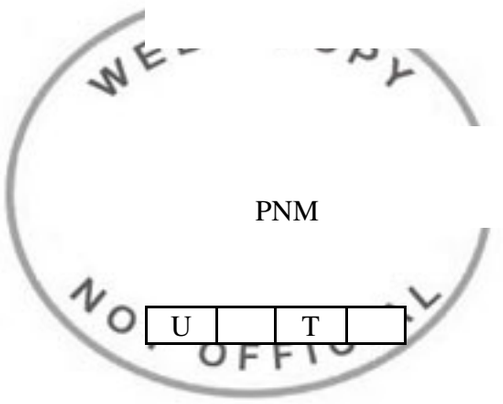
Learned counsel for the petitioner submits that due to non-availability of proper storage facility of the paddy, which was procured by him from the farmers, the same could not be properly utilized. He further submits that whatever be the loss sustained, the petitioner is willing and ready to pay back to the Motihari Central Co-operative Bank

Ltd., Chakia Branch (hereinafter referred to as "the Bank"). He further submits that the money in question, which is alleged to have been defalcated/misappropriated by the petitioner, would be made good. He further submits that the entire money would be paid back to the Bank within a period of three months from today.

Considering the *bona fide* offer made by the petitioner that he would deposit the entire money as alleged, 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 bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XIII, Motihari, East Champaran, in connection with Chakiya P.S. Case No.191 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that if the petitioner fails to pay back to the Bank the amounts as alleged, it shall be open to the Bank or the prosecuting agency to proceed in accordance with law, including moving this Court for

modification/cancellation of the present order.



(Anjana Mishra, J)

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