

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2705 of 2017

Arising Out of PS.Case No. -262 Year- 2016 Thana -CHAINPUR District- BHABHUA (KAIMUR)

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Gupteshwar Pandey, son of Late Ram Lagan Pandey, resident of Village-Chainpur, P.S.- Chainpur, District- Kaimur at Bhabua, Proprietor of Sri Hanuman Jee Rice Mill Chainpur, P.S.- Chainpur, District- Kaimur at Bhabua.

.... Petitioner

Versus

1. The State of Bihar.
2. District Manager, Bihar State Food Corporation, Kaimur at Bhabua.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party : Mr. Smt. Renuka Ratnakar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 31-01-2017 Supplementary affidavit has been filed on behalf of the petitioner, let it be kept on record.

Heard learned counsel for the petitioner, learned counsel for the S.F.C. and learned counsel for the State.

The petitioner apprehends his arrest in connection with Chainpur P.S. Case No. 262 of 2016, registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

Allegedly, the petitioner being miller was provided 5,000 quintal paddy by different in-charge of sale center, the petitioner was to provide 33350.00 quintal CMR, but he supplied only 1350.00 quintal CMR and did not deposit the rest 2000 CMR



and in that way embezzled amount of Rs. 4331120/- out of the said amount the petitioner deposited only Rs. 940000/- and balance Rs. 3391120/- was not deposited and the petitioner embezzled the said amount.

Submission is of false implication and that the petitioner has received only 3,000 quintal of paddy and he has not received the balance 2000 quintal of paddy, but he has been wrongly implicated. However, the petitioner is ready to deposit 20% of the said amount of Rs. 3391120/- within reasonable time of one year and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by learned counsel for the S.F.C. opposes the prayer of bail by submitting that the petitioner has committed heinous crime and embezzled the amount of Rs. 3391120/-.

In the facts and circumstances as stated above, the petitioner is directed to deposit 20% of the said embezzled amount of Rs. 3391120/- within nine months to S.F.C. Kaimur at Bhabua through bank draft and in the meantime, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this shall be **released on provisional anticipatory bail** 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, Kaimur at Bhabua, in connection with Chainpur P.S. Case No. 262 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C., and after deposit of 20% of the said amount, the petitioner will file receipt in the learned Court below in this regard and then the provisional anticipatory bail shall be confirmed by the learned Court below itself, failing which the bail granted to the petitioner shall be deemed to be cancelled.

(Jitendra Mohan Sharma, J.)

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