

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.42633 of 2017**

Arising Out of PS.Case No. -93 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

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1. Jitendra Kumar Singh S/o Late Suryanath Singh, Resident of Village-  
Belbhada (Derwa), P.S.- Kudra, District- Kaimur (Bhabua).

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Pramod Kumar Pathak, District Manager, State Food Corporation,  
Kaimur.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Ram Bachan Singh

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      14-09-2017      Heard the parties.

The petitioner seeks regular bail in connection with Kudra  
P.S.Case No.93 of 2015, registered for offences punishable under  
Sections 409 and 420 of the Indian Penal Code.

Allegation as per FIR against the appellant is that he has to  
deposit 67 % CMR of 6000 quintal rice within a period of one  
months but he has not deposited the same and total 2942.16  
quintal CMR of rice was defalcated by the petitioner and hence he  
has misappropriated amount of Rs.67,714,24.02. It further appears  
that earlier the petitioner was granted anticipatory bail by a Co-  
ordinate Bench of this Court on a condition that he will deposit  
20% of total defalcated amount but as he has not deposited the



same and he has misused the aforesaid condition. Now he has filed the present application for grant of bail.

Submission of the learned counsel for the petitioner is that he has not done intentionally the same rather he could not arrange money to deposit 20 % amount, as such his bail bond was cancelled. Further submission is that in view of direction of the Hon'ble Court, now he is ready to deposit Rs.5,00,000/- and further within two months he will deposit another Rs.5,00,000/-. It has also been submitted that rest amount (i.e. Rs.53,714,24.02) he will deposit in five months in equal installments.

Heard learned A.P.P. as well as the learned counsel for the B.S.F.C.

Having heard both sides and in view of the facts and circumstances, as stated above, this application is disposed of with direction to the learned trial court that if the petitioner deposits Rs.5,00,000/- within 15 days, he shall be released on provisional bail in connection with Kundra P.S.Case No.93 of 2015 with condition that he will deposit another Rs.5,00,000/- within a period of one month of his release and thereafter he will continue to deposit rest of the amount in five equal installments, on monthly basis in the first week of each month and on failure to deposit of any installment within the time prescribed, his bail bond



shall be cancelled.

Once the total amount is paid by the petitioner, the learned trial court shall confirm the bail bond of the petitioner to his own satisfaction in connection with Kundra P.S.Case No.93 of 2015. At the same time it is also made clear that such amount is to be paid in favour of the B.S.F.C. and on depositing the same, it would be released in favour of the B.S.F.C. subject to result of the case.

With the aforesaid observation, this application is disposed of.

**(Vinod Kumar Sinha, J)**

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