

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15806 of 2017

Arising Out of PS.Case No. -220 Year- 2016 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Md. Meraz, son of late Sahebjan Miya, resident of village - Lahan
Dhaka, P.S. - Dhaka, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food Corporation, East Champaran,
Motihari.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ansul, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP
For the BSFC : Mr. Harish Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 18-05-2017

Heard learned counsel for the Petitioner and the

State as well as counsel for the BSFC.

The Petitioner apprehends his arrest in Dhaka P.S.
Case No.220 of 2016 instituted for the offence under Section(s)
420, 406 Indian Penal Code.

In the written report, it is alleged that the petitioner
purchased total 2114.50 quintal of paddy in Khariff season 2015-
16, out of which, CMR of 1058.65 quintal paddy i.e.709.30
quintal was supplied to the BSFC and the remaining 1055.84
quintal paddy could not be traced out during physical
verification. It is alleged that defalcation of ₹14,88,740/- has been
done by this petitioner.



It has been submitted on behalf of the petitioner that he is ready to deposit the amount of loss as mentioned in the written report. It is further submitted that he will deposit the aforesaid amount in installment.

Counsel for the BSFC has submitted that he has no objection if the petitioner makes payment in installment.

In the facts and circumstances of the case, petitioner is directed to surrender before the Court below i.e. Chief Judicial Magistrate, East Champaran, Motihari, in connection with Dhaka P.S. Case No.220 of 2016, within a period of four weeks from today along with receipt showing payment of rupees two lacs with BSFC as first installment and in that event the petitioner shall be released on provisional anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Court concerned subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if



petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

The petitioner, thereafter, will make payment of the balance amount in ten equal installments by 15th of every month. After making payment of entire amount and on production of valid receipt from the BSFC, the Court below will confirm the provisional bail of the petitioner.

It is made clear that if the petitioner does not surrender within the aforesaid period along with receipt showing payment of first installment with BSFC and/or defaults in making payment of a single installment, the Court below will be at liberty to pass appropriate order in accordance with law including cancellation of provisional bail of the petitioner.

The application is, accordingly, disposed off.

(Sanjay Priya, J)

JA/-

U		T	
---	--	---	--

