

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1397 of 2017

Arising Out of PS.Case No. -101 Year- 2016 Thana -KONCH District- GAYA

=====

Krishna Kant, Son of late Awadesh Singh, Proprietor of M/S Konch PACS Rice Mill, Konch , Resident of Village +P.O.- Konch, P.S.- Konch, District-Gaya.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd, District-Gaya

.... Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Sumeet Kumar Singh, Advocate
Mr. Satyendra Prasad Singh, Advocate
For the Opposite Parties : Mr. Manoj Kumar – 1 (APP)

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 16-01-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Konch P.S. Case No. 101 of 2016 instituted for the offence under Sections 120(B), 188, 406, 409, 420, 467 and 468 of the Indian Penal Code.

It is alleged that informant gave written report before S.H.O that an agreement was executed by proprietor of M/s Konch PACS Rice Mill for paddy milling work of the financial year 2012-2013 and as per agreement of the preparation of CMR, 67% of rice was deposited to the State Food Corporation and the paddy was made available with the petitioner from different



purchasing centers, total 20,000 quintals paddy. Consequent to that the petitioner had to deposit total 13400 CMR (67%), but only 8898 quintals CMR was deposited by him till the last date of deposition and even after giving direction, he did not deposit 4502 quintals CMR with mala fide intention. In this way he has misappropriated the paddy amounting to Rs.97,49,351.12/-. Thereafter admitting the aforesaid accusation, the petitioner deposited the amount of Rs.13,30,688.12/- and did not deposit the remaining amount of Rs.84,18,663/-. It is alleged that in this way the petitioner has misappropriated the public money.

The counsel for the BSFC has stated that he only agrees for indulgence if the petitioner becomes ready to make payment of the entire dues amount.

It has been submitted on behalf of the petitioner that he is ready to make payment of the entire dues amount of Rs. 84,18,663/-. The prayer has been made on behalf of the petitioner that reasonable installment may be fixed for payment of the aforesaid amount.

The petitioner is directed to make payment of the entire dues amount in fifteen equal installments. In such circumstances, the anticipatory bail petition is disposed of with direction that petitioner will surrender in the lower court within a



period of four weeks along with receipt of payment showing the first installment of the amount to the BSFC as Rs.5,61,244/- and in that event the court below will release the petitioner on provisional bail and the petitioner will continue to make payment of the remaining amount in fourteen equal installments which shall be paid by the last day of every month and after payment of the entire dues amount and producing the valid receipt issued by the BSFC of making payment of the entire dues amount, the provisional bail granted to the petitioner shall be confirmed by the lower court to his own satisfaction. It is made clear that in the event of not producing the valid receipt showing the payment of first installment of the amount as mentioned above within a period of four weeks or in the event of default of making payment of single installment as ordered above, the court below will be at liberty to pass appropriate order in accordance with law including cancellation of the provisional bail granted to the petitioner without taking into consideration the aforesaid observation made by this court.

(Sanjay Priya, J.)

ravi/-

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

