

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13529 of 2017

Arising Out of PS.Case No. -214 Year- 2016 Thana -FATEHPUR District- GAYA

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Nirmod Kumar @ Nirmed Kumar, Son of Sri Amrik Singh @ Amirak Singh, resident of village - Fatehpur, Police Station Fatehpur, District - Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Smt Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 15-05-2017 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in Fatehpur P.S.Case No.214/16 registered for the offence under Sections 406 and 420 of the Indian Penal Code.

Accusation is that the petitioner being the rice Miller received 33960.40 quintals paddy for milling and supplying 22753.47 quintals rice. Despite petitioner did not supply remaining 9276.37 quintal rice worth Rs.2,00,88,579/-. On notice only Rs.1,04,00,271.82 was paid by the petitioner and remaining Rs.96,88,264/- of government amount was defalcated by the petitioner.



Learned counsel appearing on behalf of the petitioner submits that at the time of agreement agricultural and commercial land worth Rs.1,60,00,000/- had been mortgaged by the petitioner in favour of Manager of BSFC, Gaya. The petitioner is ready to pay 20% of remaining amount of Rs.96,88,264/- which is said to be due against the petitioner within 5months with protest of out come of result of arbitration proceeding.

Having considered the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within four weeks from today, be released on provisional bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the C.J.M.,Gaya, in Fatehpur P.S.Case No.214 of 2016 subject to the conditions as laid down under Section 438(2) of Cr.P.C. Provisional bail of the petitioner will be confirmed on submission of the receipt of deposit of 20% of the remaining amount to the BSFC within five months, failing which the trial court will be at liberty to cancel his provisional bail bond of the petitioner.

(Rajendra Kumar Mishra, J)

AnilKrSinha/-

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