

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47471 of 2016

Arising Out of PS.Case No. -268 Year- 2016 Thana -CHAPRA MUFFASIL District- SARAN

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Kulwant Kamal Mahto Son of Shri Lalji Mahto, President of PACS of
Fakuli, Resident of village Fakuli, Police Station -Chapra Muffasil, District-
Saran at Chapra. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sri Pranav Kumar

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 25-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends his arrest in connection with Chapra
(M) P.S. Case No. 268 of 2016 registered for the offences
punishable under Sections 409, 420 and 120B of the Indian Penal
Code.

Allegedly, the petitioner being Chairman of Fakuli PACS
reported regarding purchase of 830 quintals of paddy and
accordingly, amount of Rs. 10,89,930/- was paid by Co-operative
Bank, Branch, Chapra but CMR has not been deposited to the SFC
and the petitioner has embezzled the said amount.

It is submitted on behalf of the petitioner that as per the
allegation, the outstanding dues against the petitioner is Rs.
10,89,930/-. It is further submitted that the petitioner is ready to



deposit 20 % of the said amount within a period of ten months though he has supplied the paddy to the rice miller and the rice miller has not supplied the CMR. The amount has already been paid to the farmers and as such the petitioner deserves sympathetic consideration to which the learned APP opposes by submitting that the petitioner is named in the first information report and there is direct allegation against him.

In the facts and circumstances stated above, considering the aforesaid submissions, the petitioner is directed to deposit 20% of Rs. 10,89,930/- before the State Food Corporation within a period of ten months through bank draft.

In the mean time the petitioner above named, in case of his surrender or arrest within six weeks from the date of receipt/production of a copy of this order, shall be released on provisional bail for ten months on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Chapra in connection with Chapra (M) P.S. Case No. 268 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

It is made clear that the provisional bail granted to the petitioner shall be confirmed by the court below itself if the



petitioner produces certificate showing that 20 % amount of
outstanding dues has been deposited by him before the State Food
Corporation within ten months after his release on provision bail.

(Jitendra Mohan Sharma, J)

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