

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25005 of 2017

Arising Out of PS. Case No.-87 Year-2016 Thana- DANIYAWA District- Patna

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Arun Kumar, s/o Late Raghu Nandan Prasad, Resident of Village Netar, P.S.
Daniyawar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. District Manager, Bihar State Food Supply Corporation, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava

Mrs. Madhuri Kumari

For the BSFC : Mr. Nirmal Kumar

For the Opposite Party/s : SMT. ANITA KUMARI

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

5 19-09-2017 Heard parties.

The petitioner apprehends his arrest in a case registered for offences punishable under Section 406, 420 and 120(B) of the Indian Penal Code.

According to the first information report, the petitioner has defalcated Rs.47,24,796.24/- as CMR milled rice was never deposited.

However, in view of the fact that the petitioner is ready to pay 20% of the total amount and rest in the form of bank guarantee, the abovenamed petitioner is directed to be



released on **provisional bail** for eight (8) weeks in the event of arrest/surrender before the court below within a period of six weeks from today in Daniyawan P.S. Case No. 87/2016, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of the J.M. 1st Class, Patna City subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure with a further condition that within further six weeks, the petitioner would be required to pay 20% of the total amount as far the rest amount he will produce bank guarantee within a further period of eight weeks. If evidence showing such payment and production of Bank Guarantee before the competent authority is produced before the court below then the court below would make the provisional bail absolute, failing which the bail would be cancelled. Petitioner would be required to renew the bank guarantee time to time as required till the trial is concluded.

At the time of accepting bail bond, if the court below is satisfied that the petitioner has deposited further 800 quintals CMR rice after verifying the same from the BSFC, then the court below would deduct that amount.

However, the aforesaid deposit by the petitioner would be subject to the result of the criminal case concerned and also would be without prejudice to the stand which would



be taken for defence in the case concerned.

(Dr. Ravi Ranjan, J)

Sanjay/-

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