

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63210 of 2017

Arising Out of PS.Case No. -318 Year- 2017 Thana -GARKHA District- SARAN

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1. Chandradeep Rai, S/o Hitlal Rai, resident of village- Podhiya, P.S.-
Garkha, District- Saran at Chhapra

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar -1, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 28-02-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Garkha P.S.**

Case No.318 of 2017 instituted for the offence under Section(s)
409, 420 Indian Penal Code pending in the Court of the
Additional Chief Judicial Magistrate, V, Saran at Chapra.

It is alleged in the written report that during *Kharif*
season 2016-17, total 4015 quintal paddy was purchased by the
Garkha Vyapar Mandal and it was required to deposit 2690.05
quintal rice, but the aforesaid Vyapar Mandal deposited only
1209.25 quintal rice to Bihar State Food Corporation and did not
deposit remaining 1480.80 quintal rice and sold the same in open
market value of which was Rs.35,18,380/- and the same has been
defalcated. It is alleged that this petitioner was Chairman of the



aforesaid Vyapar Mandal and he along with Manager has defalcated the aforesaid amount.

Counsel for the State has submitted that prayer of anticipatory bail of co-accused, Harnedra Rai, has been rejected by this Court by order dated 02.02.2018 passed in Cr. Misc. No.53714 of 2017. Learned APP has further submitted that in the case diary several witnesses have supported the case and stated that this petitioner being the Chairman along with Manager, Harendra Rai, has defalcated the rice.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is **rejected**.

Counsel for the petitioner has submitted that he is ready to deposit the amount shown as outstanding against him in installment.

Since this Court is not aware of the actual amount due against this petitioner, he is directed to surrender in the Court below within a period of four weeks from the date of receipt of the order and make prayer that he is ready to deposit the amount due against him along with proper statement of accounts issued from the Bihar State Co-operative Bank Ltd. with regard to total



misappropriated amount and in the event the petitioner agrees to deposit the aforesaid amount in installment, the Court below will be at liberty to pass appropriate order in accordance with law.

(Sanjay Priya, J)

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