

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10778 of 2018

Arising Out of PS.Case No. -314 Year- 2017 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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1. Sanjay Ray, S/o Nagina Ray,
2. Lalbachcha Yadav S/o Paras Yadav, Both are R/o Village- Gudara, P.S.-
Majhauriya, District- West Champaran.

.... Petitioners

Versus

1. The State of Bihar
2. State Food Corporation, Patna

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Murari Sharan Tiwari
For the Opposite Party/s : Mr. Rajkishore Singh
For BSFC : Mr. Lalmani Sharma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 05-04-2018 Heard learned counsel for the petitioners.

Petitioners apprehend their arrest in connection with
Majhauriya P.S.Case No. 314 of 2017 registered for the offences
punishable under Section 409 of the Indian Penal Code.

Allegation against the petitioners is of defalcation of an
amount of Rs.5,52,220/- as they have not supplied CMR.

Submission of learned counsel for the petitioners is that
there was flooding in their village at that time and they have
requested the BSFC authorities to get back the paddy but they
refused to do so, as such, the amount could not be deposited.
Further submission is that petitioners are ready to deposit the said



amount in instalment and within a reasonable time.

Heard learned counsel for the BSFC.

Having heard both sides and in view of the submission of learned counsel for the petitioners, this application is disposed of with a direction to the petitioners to deposit 1/5th of the said amount in the court below within a period of one month by way of Bank Draft payable to BSFC and in that event the court below will release them on provisional bail and petitioners will continue to deposit the rest amount in four equal instalments in every 1st week of the following four months. It is made clear that in default of payment of any instalment, their bail bond shall be cancelled. It is also made clear that once the total amount is deposited, the court below will confirm their bail bonds and the said deposit will be subject to the result of the case, otherwise the court below is at liberty to pass any such other order(s) as he may deem fit and proper.

(Vinod Kumar Sinha, J)

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