

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3728 of 2019

Arising Out of PS. Case No.-50 Year-2018 Thana- TILAUTHU District- Rohtas

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1. Dilip Kumar Dubey son of Late Shyam Nand Dubey, Resident of village-Bhadokhara, P.S.-Tilauthu, District-Rohtas
 2. Munna Singh son of Late Ramashiv Singh, Resident of village-Bhadokhara, P.S.-Tilauthu, District-Rohtas

... .. Petitioner/s

Versus

The State of Bihar through District Manager, State Food and Civil Supply Corporation, Kaimur at Bhabua

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-01-2019 Learned counsel for the petitioners submits that Munna Singh (petitioner no.2) has already been arrested and he may be permitted to withdraw the anticipatory bail petition of petitioner no.2.

Prayer is allowed.

The anticipatory bail petition of Munna Singh (petitioner no.2) is dismissed as has become infructuous.

Heard Mr. Ravi Shankar Sahay, learned counsel for petitioner no.1 and Mr. Shailendra Kumar Singh for B.S.F.C.

The petitioner no.1 apprehends his arrest in Tilauthu P.S. Case No.50 of 2018 registered under Sections 406, 409, 420 and 34 of the Indian Penal Code.



The gist of allegation against the petitioner no.1 is that he being the Chairman of PACS purchased 2014 quintals of paddy till 31.03.2018. The petitioner no.1 had to deposit 1349.38 quintals of CMR to the godown of S.F.C. by 31st July, 2018 but the petitioner no.1 deposited only 540 quintals of CMR. The petitioner no.1 is alleged to have defalcated 809.38 quintals of CMR. On search, the godown of PACS was found empty. The petitioner no.1 is alleged to have defalcated Rs.18,72,400/-.

Learned counsel for the petitioner no.1 submits that petitioner no.1 is ready to deposit the entire amount by 30.03.2019.

Learned counsel for the B.S.F.C. did not raise any objection.

Having considered the facts aforesaid, the petitioner no.1, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.2 lacs/- (Two lacs) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Dehri-On-Sone, Rohtas in connection with Tilauthu P.S. Case No.50 of 2018 subject to the



conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with further condition that if the petitioner no.1 fails to deposit the entire amount i.e. Rs.18,72,400/- by 30.03.2019, the learned court below shall forthwith cancel the bail bond of petitioner no.1 after forfeiting surety of security and take coercive step against the petitioner no.1.

(Prabhat Kumar Jha, J)

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