

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31564 of 2019

Arising Out of PS. Case No.-48 Year-2017 Thana- CHAORI District- Bhojpur

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Binkatesh Ray Son of Ram Yesh Ray Resident of Village - Purhara, P.S.-
Chauri, Distt - Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar
2. The Secretary, Bihar State Food and Civil Supplies Corporation Ltd., Govt.
of Bihar Patna

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Ravindra Kumar, Advocate
For the Opposite Party State:		Mr. Parmeshwar Mehta, APP
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 14-05-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Chauri P.S. Case No. 48 of 2017 for the offence punishable under Sections 406 and 409 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner has submitted that there is allegation of misappropriation of paddy to the tune of 3502.26 quintals, worth Rs.52,00,856.00. The petitioner was the Chairman of Chauri PACS in the district of Bhojpur.

It is alleged that cash credit from the Central Cooperative Treasury, for purchase of 5857.20 quintals of paddy was availed against proportionate Customized Milled Rice



(CMR) (3924.30 quintals) was required to be supplied to the State Food Corporation, Bhojpur. The PACS is said to have supplied only 1577.80 quintals, misappropriating the rest, i.e. 2346.52 quintals (equivalent to 3502.26 quintals of paddy), value of the 3502.26 quintals of paddy, so alleged to have been misappropriated, is admittedly Rs.52,00,856.00.

Learned counsel appearing on behalf of the petitioner has, while denying the allegation in the First Information Report, submitted that the petitioner is ready to deposit the said amount within three months, alleged to have been defalcated by him, as condition precedent for his release on anticipatory bail.

Considering the submissions made on behalf of the petitioner, this application is allowed.

It is directed that till three months from today, no coercive steps shall be taken to take the petitioner in custody in connection with the said Chauri P.S. Case No. 48 of 2017. It is further directed that if the petitioner surrenders after three months and before four months from today in the Court below, he will be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.-1st Class, Patna, in



Chauri P.S. Case No. 48 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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