

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11641 of 2018

Arising Out of PS. Case No.-169 Year-2017 Thana- KONCH District- Gaya

Om Prakash Yadav, S/o Madheshwar Yadav, R/o Vill.- Ker, P.S- Konch, Dist.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amarnath Kumar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sunil Kumar Yadav, Advocate.
For the Opposite Party/s :	Mr.Sri Khurshid Anwar, APP
For the BSFC	Mr. Shailendra Kr. Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

10 07-05-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Konch P.S. Case No. 169 of 2017 registered under Sections 406, 409, 420, 467 and 468 of the Indian Penal Code.

The accusation is that petitioner being the Chairman of PACS, Ker, purchased 4090 quintal paddy for the year 2016-17 and he was to deposit CMR 2740-30 quintal rice to the State Food Corporation, Gaya but petitioner only deposited 1540.49 quintals CMR to the State Food Corporation, Gaya and remaining 899.81 quintal rice worth of Rs.21,46,946.66/- was grabbed by the petitioner.



Learned counsel for the petitioner submits that the alleged defalcated amount, as detailed in the F.I.R., has already been deposited by the petitioner in Magadh Central Co-operative Bank Ltd., Gaya and the Branch Manager, Magadh, Central Co-operative Bank Ltd., Gaya issued certificate in that regard on 05.01.2018, which would appear from annexure 4 to the petition.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM-III, Gaya, in connection with Konch P.S. Case No. 169 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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