

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43223 of 2021

Arising Out of PS. Case No.-121 Year-2013 Thana- ITARHI District- Buxar

Vindhyachal Prasad @ Vidhyachal Prasad Jaiswal @ Bidhyachal Prasad Jaiswal Son Of Harakh Narayan Prasad Resident Of Village And P.O. And P.S. - Itarhi, District - Buxar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sanjay Singh, Advocate
For the Opposite Party/s :	Mr.Parmeshwar Mehta, Addl Public Prosecutor
For the BSC	Mr. Shailendra kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 04-01-2022 Heard learned counsel for the petitioner, the State and the BSFC.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 406, 409 and 420 of the IPC and section 7 of the EC Act.

As per the prosecution case, petitioner, being proprietor of M/s Vindhyawahini Mini Rice Mill, failed to supply 2545 quintals of rice to the BSFC and thus misappropriated Rs.44,62,839.85.

Learned counsel for the petitioner submits that the petitioner is in custody since 25.2.2021 and charge sheet has already been submitted. However, petitioner is ready to deposit 20% of the alleged misappropriated amount which would come to Rs.8.80 lacs (approx). He submits that the petitioner may deposit Rs.2 lacs within 15 days of his release on bail and the rest amount of Rs.6.80 lacs (approx) may be deposited by him in the court below in three equal installments



within a period of further eight months.

Considering the undertaking given by learned counsel for the petitioner, let the petitioner, as named above, be enlarged on **provisional bail** on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Patna in Itarhi Buxar Police Station Case No. 121 of 2013 on the following conditions:-

(a) Petitioner shall deposit Rs.2 lacs in the court below within 15 days of his release on bail.

(b) Rest amount of Rs.6.80 lacs (approx) shall be deposited in the court below in three equal installments within a period of further eight months.

(c) If the petitioner abide by these conditions, provisional bail allowed to him by this Court would be confirmed by the court below itself, otherwise, the court below shall take steps for cancellation of bail bonds and taking the petitioner in the custody.

(d) Aforesaid deposit would be subject to the final outcome of the case in trial.

(Prabhat Kumar Singh, J)

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