

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47208 of 2023

Arising Out of PS. Case No.-222 Year-2018 Thana- PAHARPUR District- East Champaran

AJAY BAHADUR PANDEY S/O JANARDAN PANDEY R/O Village-
Pandey Tola Tejpurwa, PS. Malahi, Dist. East Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE MANAGING DIRECTOR, BIHAR STATE FOOD AND CIVIL
SUPPLY CORPORATION, BIHAR, PATNA BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 04-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under sections 406, 409, 420/34 of the Indian Penal Code.

3. As per allegation in the FIR, in the year 2017-2018, total 2718 quintal paddy was procured by the PACS, Tejpura and was required to deposit 1821.06 quintal of rice to Bihar State Food Corporation Ltd. Motihari but PACS has deposited only 540 quintals and 1281.06 quintal rice was yet to deposit by the PACS. It has been stated that at the rate of Rs 1550/- per quintal total Rs. 29,63,646.50/- was due to deposit in the



account of State of Bihar but said rice has not been deposited and lastly FIR was registered against the Chairman of Tejpurwa PACS (petitioner) and one another on 10.08.2018.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. Petitioner is languishing in judicial custody since 4.7.2022.

5. By way of filing supplementary affidavit, it has been brought that there is defalcation of an amount of Rs. 31,18,890.89. Out of the said defalcated amount. Rs. 6,00,000/- has already been paid on 25.8.2022 and so far as rest of the amount is concerned, petitioner is ready to pay in five equal monthly installments each of Rs. 5,23,780/-.

6. Petitioner is directed to deposit the entire amount in five equal monthly installments. Each installment will be of Rs. 5,23,780/-.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on **provisional bail**. The above named petitioner is directed to be enlarged on provisional bail for a period of five months on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned CJM, Motihari,



East Champaran in connection with Pahadpur P.S. Case No. 222
of 2018.

8. This application stands disposed off with a
direction to the trial court to confirm the provisional bail granted
to the petitioner only after ensuring that the petitioner has
deposited the entire amount in five equal installments as agreed
by him before this Court.

10. The aforesaid payment will be the subject to final
settlement in this matter.

(Sunil Kumar Panwar, J)

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