

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32270 of 2015

Arising Out of PS.Case No. -78 Year- 2015 Thana -KATORIA District- BANKA

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1. Dhananjai Kumar Jha, son of Late Shyamanand Jha, resident of village Patwara, P.S. Katoria, District Banka.
 2. Ghanshyam Kapri, son of Nand Kishore Kapri, resident of village Patwara, P.S. Katoria, District Banka.

.... Petitioners

Versus

1. The State of Bihar.
2. District Manager, State Food Corporation, Banka.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Indrajeet Jha

For the Opposite Party/s : Mr. Yogendra Kumar(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 10-11-2015 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State Food Corporation.

The petitioners are apprehending their arrest in connection with Katoria P.S. Case No.78 of 2015 registered for the offences punishable under Sections 406, 409, 420, 34 of the Indian Penal Code.

It is submitted on behalf of the petitioners that the entire allegation is misconceived as they have already deposited the paddy which had been purchased by him through the Jandaha PACKS. Learned counsel further submits that in view of Annexure-3 dated 15.4.2013, this Court while considering the



aforementioned document has directed that all such matters be placed before the Certificate Officer where the issue is pending as on date. In the said order dated 9.9.2015, learned counsel for the Corporation was also present. It appears that even at that stage the authenticity of the present document was under a cloud. However, the Court left liberty to the parties to have the issue regarding its authenticity to be considered by the District Certificate Officer in Certificate Case No.13 of 2013-14. The matter is under consideration and the petitioner may be directed to appear before the District Certificate Officer.

Considering the aforementioned facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka in connection with Katoria P.S. Case No.78 of 2015, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that the petitioners shall made themselves available for any enquiry or investigation as and when

the same is required and they shall also appear in the court of District Certificate Officer to verify and substantiate the authenticity of the present case. In case, it is found that the aforementioned document (Annexure-3) is a sham document it shall be open to the State Food Corporation to file a modification for cancellation of application.

(Anjana Mishra, J)

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