

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24606 of 2015

Arising Out of PS.Case No. -150 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Om Prakash Keshari, son of Ashok Keshari, resident of Dadawa, P.S.-
Mohania, District-Kaimur at Bhabhua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhupendra Narain Yadav
Mr. Pancham Lal Jaiswal

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

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 22-05-2015

Heard the Counsel for the petitioner and Mr. Upendra
Kumar, APP for the State.

Petitioner seeks anticipatory bail in Mohania P.S.
Case No. 150 of 2015 registered under Sections 409 and 409 of
the Indian Penal Code.

As per the prosecution case, petitioner being the
Miller entered into an agreement with the State Food Corporation
for milling 3300 quintals of paddy but the rice was not handed
over to the S.F.C. The petitioner, therefore, allegedly
misappropriated a sum of Rs. 4,23,351.96.

Counsel for the petitioner submits that this is a matter
which requires calculation. The petitioner was always ready and
willing and willing to perform the duty according to the contract
and the billing cost/charges of the petitioner is/are also due. The



petitioner is facing proceeding under the Bihar and Orissa Public Demand Recovery Act. Before entering into an agreement, Deed of Pledge was also got issued, one of the clause whereof is that the property would be saleable by auction sale for the loss/damages caused to the State. It has been pointed out that in similar circumstances, this Court has granted the privilege of anticipatory bail by order dated 20.03.2015 passed in Cr. Misc. No. 43286 of 2014. A web copy whereof has been handed in and place on record and marked 'X' for identification.

In the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in Mohania P.S. Case No. 150 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(I) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default on two consecutive occasions without any

cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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