

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45837 of 2015

Arising Out of PS.Case No. -106 Year- 2015 Thana -CHAPRA TOWN District- SARAN

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1. Rajeev Kumar Sinha Son of Awadhesh Kumar Singh
2. Sakal Ram Son of Late Baharan Ram Both resident of village + P.S.
Bheldi, District - Saran at Chapra

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.47111 of 2015

Arising Out of PS.Case No. -106 Year- 2015 Thana -CHAPRA TOWN District- SARAN

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1. Wakil Prasad Yadav Son of Ram Pravesh Yadav
2. Krishna Kumar S/o Wakil Prasad Yadav Both resident of Village+ Post -
Tejpurwa ,P.s Marhaura, District Saran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :
(In Cr.Misc. No.45837 of 2015)
For the Petitioner/s : Mr. Anand Kumar Ojha
For the Opposite Party/s : Mr. Satyendra Narayan Singh(App)
(In Cr.Misc. No.47111 of 2015)
For the Petitioner/s : Mr. Siddharth Harsh
For the Opposite Party/s : Mrs. Rita Verma (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 02-11-2015 Heard Mr. Anand Kumar Ojha and Mr. Siddharth Harsh,

learned counsel for the petitioners as also the learned counsel for

the State.

This Court having regard to the nature of allegation for

offence under sections 409 and 420 of the Indian Penal Code as

also the fact that the Bihar State Food and Civil Supply



Corporation and consequently the Government stands robbed off the amount which was handed over to the petitioners in capacity of the Office Bearers of the PACS in a way that the PACS which was supposed to handover the grains to BSFC has not been given such grains and at the same time the money given to the Office Bearers of the PACS including the petitioners has also not been returned, would not find the petitioners to be entitled for privilege of anticipatory bail, inasmuch as the Government money has been siphoned systematically by the Office Bearers of the PACS including the petitioners.

When such an observation has been made both the learned counsel Mr.Anand Kumar Ojha and Mr. Siddharth Harsh have come to make an offer that the petitioners would deposit the amount of Rs.9,77,892/- in both the cases which may, however, be kept subject to result of pending trial of the petitioners.

That being so, if the petitioners, namely, Rajeev Kumar Sinha, Sakal Ram, Wakil Prasad Yadav and Krishna Kumar, surrender before the court below and make payment of a sum of Rs.9.77,892/- in both the cases separately, within a period of four weeks from today by a Bank draft in the name of Branch Manager, Bihar State Co-operative Bank Ltd., Chapra Branch, they shall 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, Chapra in Chapra Town P.S.Case No. 106/2015, on the following conditions:

(i) Such Bank draft though shall be handed over to the Branch Manager of Bihar State Co-operative Bank Ltd., Chapra Branch but then the amount involved therein shall remain subject to the final outcome of the pending trial of the petitioners. In other words, if the petitioners are honourably acquitted of the charge in the pending trial, they would be entitled to refund the aforementioned amount. If, on the other hand, the petitioners surrender and do not make payment of the aforementioned amount, they shall be immediately taken into custody, whereafter they shall be entitled to move for regular bail.

(ii) That both the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their

release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

surendra/-

(Mihir Kumar Jha, J)

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