

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56357 of 2015

Arising Out of PS.Case No. -125 Year- 2015 Thana -PATAHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Lallan Dwivedi Son of Roop Narayan Dwivedi, resident of village-
Patahi, P.S. Patahi, at District- East Champaran (Motihari).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv
: Mr. Ajay Kumar Sinha, Adv
For the B.S.F.C : Mr. Shailendra Kumar Singh, Adv
For the Opposite Party/s : Mr. Ashok Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-12-2015

Petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 409, 420,
467, 468, 471 of the Indian Penal Code.

The prosecution case is that one Vishwanath
Paswan being Assistant go-down Manager was arrested and he
was sent to custody on commission of indulging in storage of
wheat and rice of State Food Corporation for which Patahi P.S.
Case No. 101 of 2015 was registered. On physical verification of
the go-down altogether 2573.64 quintals of wheat worth Rs.
53,32,527.52/0 and 1462.14 quintals of rice worth Rs.
42,66,612.06 total value of Rs. 95,99,239.58/- were found to
be misappropriated. The petitioner was not named in the First
Information Report but his name sprang up during
investigation.

It is submitted by learned counsel for the

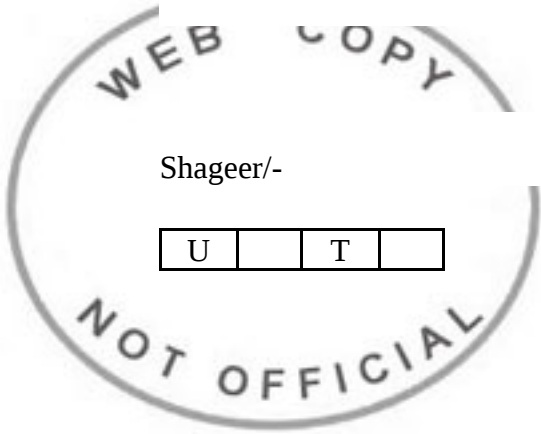
petitioner that there is no recovery from the petitioner though petitioner is a PDS dealer. During investigation of Patahi P.S. Case No. 101 of 2015 the stocks of the SFC were verified and were found in order and considering the same co-accused Vishwanath Paswan has been granted bail vide Cr. Misc. No. 53158 of 2015. Though the petitioner was also made accused in Patahi P.S. Case No. 101 of 2015 but he has been granted anticipatory bail in the aforesaid case. The F.I.R named accused have already been granted bail.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, 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 Additional Chief Judicial Magistrate, 8th, East Champaran at Motihari in connection with Patahi P.S. Case No. 125 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Since investigation has still not been concluded, the bail bonds of the petitioner will be accepted on filing affidavit to the effect that petitioner will regularly cooperate in the investigation. Non-cooperation in the investigation will give liberty to the prosecution to file appropriate application for cancellation of bail of the petitioner.

The bail bonds of the petitioner will also be

accepted on deposit of Rs. 25,00/- before Patna High Court
Legal Services Authority, Patna.



(Dinesh Kumar Singh, J)