

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40161 of 2015

Arising Out of PS.Case No. -228 Year- 2015 Thana -BANKA District- BANKA

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Deep Narayan Sah, S/o Late Mahavir Sah, resident of village - Aliganj,
P.S. Mujahidpur, District - Bhagalpur

.... Petitioner

Versus

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

.... Opposite Parties

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Appearance :

For the Petitioner : Mr.

For the Opposite Party : Mr.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
ORAL ORDER

3 08-10-2015 Learned counsel for the petitioner has

filed supplementary affidavit placing on record

different orders passed in the case of other co-

accused in Banka P.S. Case No. 228 of 2015

pending in the court of C.J.M., Banka in which

petitioner is also an accused. Petitioner is seeking

bail in the event of arrest in the same case. With

reference to the orders annexed with the

supplementary affidavit it is submitted that other

millers made accused in the instant case who also

failed to return the rice after milling the paddy

have been directed to be released on bail, in order

to maintain consistency with the orders of the

High Court similar direction is required to be issued in the case of the petitioner also.

Counsel for the Corporation submitted that this Court in the case of Md. Lalbabu Hassan, also a miller, who was entrusted with the paddy but did not return the rice after milling the paddy and approached this Court for grant of bail in the case filed against him vide Cr. Misc. No. 13763 of 2015, asked Md. Lalbabu Hassan under Order No. 2 dated 22.05.2015 to surrender in the court below and apply for regular bail, and same order be passed in the present case also notwithstanding the order passed in the case of co-accused of the present case.

I regret not to accept such submission in view of the fact that in the present case itself other co-accused have been granted such privilege.

Let this petitioner be also allowed similar privilege as has been allowed to all the co-accused of the present case in whose case different orders have been passed, which is contained in supplementary affidavit filed today and the terms

of the aforesaid orders annexed with the supplementary affidavit be read into the preset order also.

(V.N. Sinha, J)

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