

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4640 of 2016

Arising Out of PS.Case No. -397 Year- 2015 Thana -SAUR BAZAR District- SAHARSA

Sanjay Kumar Suman son of Ram Chandra Sah, resident of village- Ward No., 14, B.P. Mandal Path, Madhepura, P.S. Madhepura, District- Madhepura

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.7192 of 2016

Arising Out of PS.Case No. -397 Year- 2015 Thana -SAUR BAZAR District- SAHARSA

Rakesh Kumar Yadav Son of Sri Dharendra Kumar, Resident of Village - Kishanpur, P.S. - Sour Bazar, District - Saharsa.

.... Petitioner

Versus

1. The State of Bihar.
2. The Bihar State Food Corporation Bihar, Patna, through the Managing Director.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.4640 of 2016)

For the Petitioner/s : Mr. Ganjendra Kumar Singh

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

(In Cr.Misc. No.7192 of 2016)

For the Petitioner/s : Mr. Ganjendra Kumar Singh

For the Opposite Party/s : Mr. Aslam Ansari(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 08-03-2016 Heard learned counsel, appearing on behalf of the petitioners, and the learned Addl. Public Prosecutor, appearing on behalf of the State.

Both the applications for grant of anticipatory bail arise out of Sour Bazar P.S. Case No. 397/2015, disclosing offences under sections 406, 409, 420, 120B/34 of the Indian penal Code.



The Chairman of PACS of Golma West, P.S. Sour Bazar, District Saharsa is the informant. The allegation is that 1702 quintals 39 Kgs. paddy was supplied to Laxmi Rice Mill, Resna, Gwalpara on different dates for being handed over to the said PACS. The petitioners are partners of the business in the said Laxmi Rice Mill, Resna, Gwalpara. Allegedly, the petitioners did not return the rice as was required under the agreement.

Learned counsel for the petitioners submits that on the basis of these allegations, no case under sections 406 or 409 of the Indian Penal Code is made out and at maximum it can be said to be dispute of civil nature. Learned counsel for the petitioners has submitted that the petitioners are ready to deposit 20% of the amount alleged to have been misappropriated by the petitioners, which is the value of 1702 quintals 39 Kgs. of paddy (Rs.28,25,967.40 paise), as mentioned in the First Information Report itself.

The amount so undertaken to be deposited should be deposited in the account of PACS within six weeks from today.

In view of the undertaking so given on behalf of the petitioners, these applications for anticipatory bail are allowed.

Let the petitioners, abovenamed, in the event of their arrest/ surrender before the court below within six weeks from

today, 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, Saharsa in Sour Bazar P.S.Case No. 397/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioners shall present themselves before the police/ court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

It is indicated that the amount deposited by the petitioners in view of the undertaking given on their behalf will be without any prejudice to their right that the petitioners will claim before the court subsequently.

(Chakradhari Sharan Singh, J)

Surendra/-

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