

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13032 of 2016

Arising Out of PS.Case No. -212 Year- 2015 Thana -KOILWAR District- BHOJPUR

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1. Vivek Kumar Singh, Son of Rabindra Kumar Singh, resident of Suresh Colony, Hazaribagh, P.S. Hazaribagh Sadar, District- Hazaribagh.

.... Petitioner/s

Versus

1. The State of Bihar

2. Bihar State Food Corporation through its Managing Director.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Bharti

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

Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 19-04-2016 Heard the Counsel for the petitioner and Mr. Shailendra Kumar Singh for the respondent Corporation.

Apprehending his arrest in Koilwar P.S. Case No. 212 of 2015 registered under sections 406, 409 and 420 of the Indian Penal Code, the present application for anticipatory bail has been filed.

According to the first information report, wheat and rice weighing 5517.79.139 and 7326.42.740 quintals respectively were received in the Godown of the Corporation placed under the charge of A.G.M. which was/were later embezzled. The Corporation was put to loss of several crores. It is submitted that the petitioner is not named in the F.I.R. He was appointed as the Transporter under a contract agreement on 13.01.2014 whereas

the allegations pertains to period anterior to that.

Indisputably, it appears from perusal of F.I.R. that the food grains were already received in the Godown and thereafter it was removed causing monetary loss to the State/Corporation.

Mr. Shailendra Kumar Singh appearing for the respondent Corporation submits that in course of supervision, the complicity of the petitioner to some extent has surfaced.

Be that as it may, considering the facts and circumstances of the case, 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, Bhojpur at Ara in Koilwar P.S. Case No. 212 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 in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to

cancel the bail bond of the petitioner and secure his arrest in accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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