

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37814 of 2016

Arising Out of PS.Case No. -82 Year- 2015 Thana -DUMRA District- SITAMARHI

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Ram Kumar Mishra, Son of late Kaushal Kishore Mishra, Resident of
Village- Bajitpur Majhauri, PS Bochaha, Distt Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. V.R. Prasad Singh, Advocate
For the State : Mr. Jitendra Kumar Singh, A.P.P
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 20-09-2016 Heard parties.

The petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 420, 406, 409/34 of the
Indian Penal Code.

It is contended on behalf of the petitioner that even if it is
assumed that there has been some loss due to negligence on the
part of the petitioner, no offence under Sections 406 or 409 of the
Indian Penal Code is made out as there is no allegation of
misappropriation of paddy for his own benefit. It is urged that
similarly situated co-accused persons have already been granted
anticipatory bail by a coordinate Bench of this Court vide order
dated 10.02.2016 passed in Cr. Misc. No.32507/2015 and its
analogues cases.

Per contra, learned counsel appearing for the B.S.F.C. submits that about 1364 quintals of paddy have been damaged due to the negligence of the petitioner as per allegation set out in the FIR.

Learned counsel for the petitioner in reply submits that he is unable to show from the FIR that there is any allegation of misappropriation of paddy for his own benefit.

Having regard to the facts and circumstances of the case, let the petitioner, namely, Ram Kumar Mishra be released on bail in the event of his arrest/surrender before the court below within a period of six weeks from today in connection with Dumra P.S. Case No.82 of 2015, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sitamarhi subject to the conditions as laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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