

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24071 of 2016

Arising Out of PS.Case No. -214 Year- 2015 Thana -NOKHA District- SASARAM (ROHTAS)

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Krishna Kant Rai S/o Vikarma Rai Resident of Village- Dharmapura, PS
Nokha, District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food & Civil Supplies Corporation Ltd. Bihar Patna
through M.D. I

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Kanhaiya Kishore(App)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 01-06-2016 Heard.

The petitioner seeks bail in a criminal prosecution registered under Sections 406, 409 and 420 of the Indian Penal Code.

As per prosecution case, the petitioner is a rice-miller and he is alleged to have misappropriated the government money to the tune of Rs. 40, 53, 928.32.

The learned counsel appearing on behalf of the petitioner submits that with identical allegations, large number of criminal cases were lodged against several other rice-millers by the functionaries of the Bihar State Food & Civil Supplies Corporation Ltd. Bihar, Patna and in many other cases, the accused persons have been granted bail by different Benches of this Court. In support of his above contention, he has referred to the orders, as contained in Annexure-2 series passed by the co-ordinate Benches of this Court, whereby co-accused persons of those criminal cases have been granted bail. The learned counsel

has further highlighted that the petitioner is a businessman and he is in judicial custody since 11.03.2016 and he is the first offender.

The learned counsel appearing on behalf of the opposite parties, particularly opposite party no.2, though have opposed the prayer for bail, but have not been able to controvert the above submission.

Be that as it may, taking into consideration the period of incarceration and further taking into consideration the fact that the petitioner is the first offender and also taking into consideration the orders passed by different Benches of this Court, as contained in Annexure-2 series, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of bail.

Let the above named petitioner be released on bail on furnishing bail bond of Rs. 50,000/- with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. IIIrd, Rohtas at Sasaram in connection with Nokha P.S. Case No. 214 of 2015 dated 19.10.2015 subject to conditions that:

- (A) One of the bailors must be government servant or close family members of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (B) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail-bond of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned and

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioner.

It goes without saying that despite grant of bail to the petitioner, the opposite party no.2 shall be at liberty to recover the alleged amount from the petitioner in accordance with law.

(Birendra Prasad Verma, J)

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