

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17267 of 2016

Arising Out of PS.Case No. -44 Year- 2016 Thana -KISHANGANJ District- KISANGANJ

1. Keshav Kumar Jha @ Keshaw Kumar Son of late Dev Nath Jha Resident
of Village- Bharam, Police Station- Jhanjharpur, town & District
Madhubani. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Nayan Singh

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

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 03-05-2016 Heard the Counsel for the petitioner and the APP for the
State.

Petitioner was posted at Kishanganj office of the Bihar State
Food and Civil Supplies Corporation as Assistant Accounts
Officer recently in January. The Block Development Officer under
the instruction of the Sub Divisional Officer lodged Kishanganj
P.S. Case No. 44 of 2016 registered under sections 419,420, 120B,
467 and 471 of the Indian Penal Code alleging that after the
closure of the time for sale of tender paper, some tender papers
were sold to other persons. Petitioner has referred to Annexure-5
which is the letter of the Managing Director addressed to the
District Magistrate to make enquiry as to whether any criminality
is involved in the case.

Counsel for the petitioner, inter alia, submits that even
going by the First Information Report, it does not appear that any

financial loss of any nature was caused to the State as only the sale of the tender papers after the time allotted for such sale is the substratum of the allegation. Petitioner is willing to extend full cooperation in the completion of the investigation.

Considering the above, 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, Kishanganj in Kishanganj Town P.S. Case No. 44 of 2016 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.

(Kishore Kumar Mandal, J)

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