

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31860 of 2015

Arising Out of PS.Case No. -216 Year- 2014 Thana -BHARGAWAN District- ARRARIA

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1. Aashutosh Kumar Son of Dhanus Dhari Mahto Resident of village -
Barbighi, Police Station - Baliya, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan

For the Opposite Party/s : Mr. Sanjay Kr. Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

9 03-02-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of anticipatory bail arises out
of Bhargama P. S. Case No. 216 of 2015, disclosing offences
under Sections 420, 409/34 of the Indian Penal Code.

The petitioner, at the relevant point of time, was made
Incharge for purchase of paddy at the paddy Centre, Bhargama.
He is said to have purchased 24587.84 quintals of paddy, out of
which only 21577.99 quintals was given under the agreement to
the rice mill holders for preparing C.M.R. rice. Allegedly, he
along with co-accused Rahul Kumar misappropriated the rest of
the paddy valued at Rs. 43, 670, 67.21. It transpires from the
records that out of the said 43 lacs, 5 lacs has been deposited in the

account of State Food Corporation.

Learned counsel for the petitioner submits that the petitioner was responsible for purchase of paddy and the said Rahul Kumar, being the godown Incharge had the responsibility of security of the paddy so-purchased. Misappropriation, if any, of the paddy is attributable to said Rahul Kumar and to this petitioner, he contends.

Learned counsel for the petitioner also submits that the petitioner shall be depositing a sum of Rs. 5 lacs with the State Food Corporation within two months from today, without prejudice to his rights and contentions in the criminal case as well as in the certificate proceeding, which is pending against him.

Considering the aforesaid submissions and the facts and circumstances of the case, this application is allowed. Subject to the aforesaid undertaking, let the petitioner above named in the event of his arrest or surrender within two months from today before the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Sri S.K. Singh, learned Judicial Magistrate, Ist Class, Araria, in connection with Bhargama P.S. Case No. 216 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Chakradhari Sharan Singh, J)

ArunKumar/-

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