

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.522 of 2016

Arising Out of PS.Case No. -106 Year- 2015 Thana -CHAPRA TOWN District- SARAN

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1. Pramod Kumar Singh, S/o Late Raghubansh Mani Singh
 2. Binod Kumar Singh, S/o Late Raghubansh Mani Singh

Both resident of Village- Durgapur, P.S.- Manjhi, District- Saran.

.... Petitioners

Versus

1. The State of Bihar.
2. The Bihar State Food Corporation through its District Manager, Saran at Chapra.
3. The Bihar State Co-operative Bank Ltd. Ashok Rajpath, Patna through its Branch Manager, Chapra Branch, Chapra.

.... Opposite Parties

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Appearance:

For the Petitioners : Mr. Siddharth Harsh, Adv.
For the State : Mr. Nagendra Pd., APP
For the Opposite party No.3: Mr. K.K. Sinha, Adv.
: Mr. Shashi Shekhar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

8 26-08-2016 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for Bihar State Co-operative Bank Ltd.

This application has been filed for quashing the order dated 10.8.2015 passed in A.B.P. No.1392 of 2015 by the 1st Additional Sessions Judge, Saran, whereby the court below has rejected the application for modifying the condition imposed vide order dated 31.7.2015 passed in A.B.P. No.1392 of 2015.

An FIR has been lodged making allegation that the petitioners have not deposited the paddy in the Food Corporation and the amount that has been given to the petitioners by the Bank has been misappropriated. The learned Sessions Judge vide order dated 31.07.2015 has granted anticipatory bail to the petitioners on condition to deposit the entire rest amount.

Learned counsel for the petitioners submits that the petitioners have already deposited an amount of Rs.1,10,000/- , which has been affirmed by the learned counsel for the Bihar State Co-operative Bank Ltd., and they are required to deposit the rest amount i.e. an amount of Rs.1,90,000/-.

A supplementary affidavit has been filed on 24.08.2016. In the supplementary affidavit, a receipt has been produced showing that the petitioners have supplied 122 quintal of paddy of Rs.1,90,320/- in the Bihar State Food & Civil Supplies Corporation Ltd.

In such view of the matter, the order dated 10.8.2015 passed in A.B.P. No.1392 of 2015 by the Additional Sessions Judge, Saran is quashed and the condition imposed in the order dated 31.07.2015 passed in A.B.P. No.1392 of 2015 is modified to the extent that the petitioners are no longer required to deposit any further amount to the Bank and subject to the condition that

one of the bailors will be a close relative of the petitioners i.e. mother/father/wife/son of the petitioners. It is made clear that if the receipt that has been annexed with the supplementary affidavit is found to be forged and fabricated, the prosecution will have a liberty to file a further case against the petitioners for making wrong statements and bringing on record the forged document.

The provisional bail granted by the Sessions Judge, Chapra vide order dated 31.07.2015 passed in A.B.P. No.1392 of 2015 is hereby confirmed. Accordingly, this application is allowed.

(Shivaji Pandey, J)

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