

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24568 of 2016

Arising Out of PS.Case No. -58 Year- 2015 Thana -NAWANGAR District- BUXAR

1. Shami Kapoor @ Shammi Kapoor Das son of Sri Motilal Das @ Moti Das, resident of village- Boknari Khan, P.S.- Makhdumpur in the district of Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies Corporation Ltd. through its Managing Director, Bihar, Patna

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar
For the State : Mr. Ajay Kr. 1(App)
For O. P. No. 2 : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 21-06-2016 The certified copy of the First Information Report of Nawanagar Police Station Case No. 58 of 2015 has been filed on behalf of the petitioner, let the same be kept on record.

Heard learned Counsel for the petitioner, learned Additional Public Prosecutor for the State and the learned Counsel appearing on behalf of the Bihar State Food and Supplies Corporation Limited.

This application, for grant of anticipatory bail, arises out of Nawanagar Police Station Case No. 58 of 2015, disclosing offences under Sections 406, 409 and 420 of the Indian Penal Code.

The petitioner, at the relevant point of time, was posted as Block Agriculture Officer of Rajpur block, in the district of Buxar.

With the allegation that the miller, namely, M/s Maa Santoshi Mini Rice Mill, Rupsagar, Nawanagar, did not supply C.M.R. in tune with the agreement between the said rice mill and the Corporation, the First Information Report was registered.

In the First Information Report, there is no allegation against the petitioner. It appears that in course of investigation, the Police have found the involvement of the petitioner also as part of the conspiracy.

Learned Counsel for the petitioner has submitted that there is absolutely no material worth evidence against the petitioner collected in course of investigation. He being a public servant, there is no likelihood that the petitioner will be fleeing away from the course of investigation or trial.

Considering the submissions, as above, this application is allowed.

Let the petitioner, Shami Kapoor @ Shammi Kapoor Das, in the event of his arrest or surrender before the Court below within six weeks, 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 the learned Chief Judicial Magistrate, Buxar, in connection with Nawanagar Police Station Case No. 58 of 2015, subject to the condition 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 bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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