

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6403 of 2016

Arising Out of PS.Case No. -301 Year- 2013 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Abhimanyu Singh son of Tej Bali Singh resident of village - Shakul Pipara,
P.S. - Mohania, District - Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar.
2. D.P. Singh son of not known to the petitioner, District Manager, State Food Corporation, District - Kaimur (Bhabua).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-03-2016 Heard learned counsel for the petitioner and the learned

A.P.P. for the State along with counsel for the Opposite Party
No.2, District Manager, Bihar State Food and Civil Supplies
Corporation (hereinafter referred to as the Corporation).

Petitioner had earlier moved this Court by filing CWJC
No. 5284 of 2014, which was admitted vide order dated
14.03.2014 whereunder petitioner had undertaken to deposit Rs.
Seventeen lacs out of the alleged outstanding dues. It was further
observed in the order dated 14.03.2014 that if the aforesaid
amount is deposited, no coercive steps shall be taken against the
petitioner in the certificate case filed by the Corporation.
Petitioner had also moved this Court for grant of anticipatory bail



in Cr. Misc. No. 26343 of 2014 and while considering the said petition, this Court vide interim order dated 05.11.2014 observed that in view of the interim protection granted by this Court in CWJC No. 5284 of 2014 for same materials, till disposal of the writ application, no coercive steps be taken against the petitioner in connection with the present Mohania P.S. Case No. 301 of 2013. However, the said Cr. Misc. No. 26343 of 2014 was finally heard on 23.07.2015 and dismissed on the ground that the petitioner had moved this Court by filing CWJC No. 5284 of 2014 and obtained the order of stay of further proceedings in relation to the same matter. Thus, his anticipatory bail application was not entertained. Thereafter, petitioner filed a modification petition, bearing Cr. Misc. No. 3643 of 2016 for modification of the order dated 23.07.2015 passed in Cr. Misc. No. 26343 of 2014, on the ground that only in certificate proceedings, no coercive steps were directed to be taken vide order dated 14.03.2014 passed in CWJC No. 5284 of 2014 and after dismissal of Cr. Misc. No. 26343 of 2014 petitioner again apprehends his arrest. However, the modification petition, bearing Cr. Misc. No. 3643 of 2016 was also disposed of on 22.01.2016 with liberty to prefer an appropriate application. Thus, petitioner, who has apprehension of arrest, again moved this Court for grant of anticipatory bail in



connection with Mohania P.S. Case No. 301 of 2013 by filing the present petition. Now certain orders passed by this Court have to be noted. Vide order dated 14.03.2014 passed in CWJC No. 5284 of 2014, no coercive steps were directed to be taken against the petitioner in certificate proceedings, if he deposits Rs. Seventeen lacs with the Corporation. It was by an interim order dated 05.11.2014 passed in anticipatory bail application (Cr. Misc. No. 26343 of 2014) that no coercive steps were directed in connection with Mohania P.S. Case No. 301 of 2013 as this Court had already granted protection in the writ application, which were same similar proceedings. On 23.07.2015 the said anticipatory bail petition was finally heard and dismissed on the ground that petitioner has already been granted the order of stay of further proceedings in the same matter and this Court was not inclined to entertain the criminal proceedings. The order dated 23.07.2015 passed in Cr. Misc. No. 26343 of 2014 needs clarification. All along this Court in the subsequent petitions so filed before this Court, after the interim order of stay of the certificate proceedings vide order dated 14.03.2014 passed in CWJC No. 5284 of 2014, were of the opinion that all proceedings relating to the same matter and materials have been stayed and would be applicable to criminal proceedings too.

Learned counsel for Opposite Party No.2 opposes the prayer for bail on the ground that the case of similar accused persons is pending before the Hon'ble Supreme Court.

The matter relates to non-supply of dehusked rice and thereby Rs. 92,47,880/- has been alleged to be embezzled, which is also subject matter of the certificate proceedings going on against the petitioner and in compliance of the orders of this Court in writ proceedings, petitioner has already deposited Rs. Seventeen lacs, as is evident from Annexure-6 to this application. The writ petition is pending before this Court as on date and the stay of certificate proceedings are already continuing vide interim order dated 14.03.2014.

In the earlier anticipatory bail application so filed by the petitioner, the order of stay of certificate proceedings in the writ application was the basis of not entertaining the anticipatory bail application as on similar materials and matter stay was continuing and no coercive steps were directed to be taken against the petitioner.

Under such facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten

thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur (Bhabua) in connection with Mohania P.S. Case No. 301 of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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