

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 48571 of 2016

Arising Out of PS.Case No. -105 Year- 2016 Thana -JHANJHARPUR District- MADHUBANI

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Bhola Paswan, son of Boudhu Paswan, resident of Village – Arariya, P.S. –
Jhanjharpur, District – Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Uday Bhanu Roy
Mr. Baleshwar Kamat

For the Opposite Party/s : Mr. Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 06-12-2016 Heard Sri Uday Bhanu Roy, learned counsel assisted
by Sri Baleshwar Kamat, learned counsel for the petitioner and Sri
Ram Naresh Ray, learned Addl. Public Prosecutor.

The sole petitioner, who is Chairman of the Arariya
Sangram PACS, has approached this Court with a prayer to extend
the privilege of anticipatory bail under Section 438 of the Code of
Criminal Procedure, 1973, in connection with Jhanjharpur
(Arariya Sangram) P.S. Case No. 105 of 2016 registered for
offence under Sections 409, 420, 120(B) of the Indian Penal Code.

Learned counsel for the petitioner, by way of referring
to F.I.R., submits that in the F.I.R. itself, it has been indicated that
for providing rice to the Bihar State Food Corporation, last date
was 31-07-2016, whereas, before expiry of said period on
23-07-2016 itself, the District Cooperative Officer, Madhubani



was directed to lodge an F.I.R. against concerned PACS. It has been argued that it was alleged that Arariya Sangram PAC, of which petitioner was Chairman, had not supplied 235.74 Quintals of rice to the State Food Corporation. By way of referring to **Annexure – 2** to the present petition, it has been argued that the District Cooperative Officer, Madhubani had sent a letter to the petitioner as well as PACS Manager to file show cause reply within 21 days regarding supply of rice only to the tune of 781.22 Quintals. The said letter was specifically replied by the petitioner, vide **Annexure – 5** to the present petition within time and it was indicated that despite best effort taken by the PACS, the remaining rice was not provided by the rice miller. Even thereafter, the present F.I.R. was lodged.

Learned Addl. Public Prosecutor has opposed the prayer for grant of anticipatory bail.

Besides hearing, I have also perused the materials on record. After going through the same, the Court is satisfied that it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the sole petitioner namely Bhola Paswan be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each



to the satisfaction of learned Additional Chief Judicial Magistrate, Jhanjharpur, District - Madhubani in connection with Jhanjharpur (Arariya Sangram) P.S. Case No. 105 of 2016 (G.R. No. 1200 of 2016), subject to condition as laid down under Section 438(2) of the Cr.P.C.

It is made clear that the petitioner shall continue on bail, but if subsequently during investigation, any cogent material is collected against the petitioner and he is forwarded as accused in the chargesheet, in that event, his bail-bond in the present case shall stand automatically cancelled and petitioner will have to appear before the court below and make a prayer for regular bail.

(Rakesh Kumar, J.)

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