

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24145 of 2016

Arising Out of PS.Case No. -66 Year- 2016 Thana -JAYNAGAR District- MADHUBANI

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Bishun Deo Das @ Bishnu Deo Das son of Saryug Das, resident of Village
Pipara Tole Kamala Bari, P.S. Jai Nagar, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Bihar State Food and Civil Supplies Corporation Ltd., District-
Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 31-05-2016

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Sections 406, 409 and 420/34 of the Indian Penal Code as also under Section 7 of the E.C.Act.

It is submitted by the learned counsel for the petitioner that the entire prosecution case is based on suspicion and surmises, as the truck in question on which 300 bags of rice was being transported could not reach the destination on the same day, as it was apprehended by the police of Deodha Police Station. It is also submitted that the petitioner is the first offender and he is in judicial custody since 14.03.2016.

Be that as it may, taking into consideration the nature of allegation as disclosed in the first information report (Annexure-1) as also the period of incarceration already undergone by the petitioner and further taking into consideration the fact that he is said to be the first offender, let the above named petitioner be released on bail on furnishing bail bond of Rs.50,000/-(Rupees fifty thousand) with two sureties of the like

amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Madhubani in connection with Jay Nagar P.S.Case No. 66 of 2016, subject to the following conditions that:

- (A) one of the bailors must be a government servant or close family member or close relation of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail bonds of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned, and
- (C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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