

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11930 of 2017

Arising Out of PS.Case No. -25 Year- 2016 Thana -GAYGHAT District- MUZAFFARPUR

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Jagarnath Chaudhary Son of Bindeshwar Chaudhary Resident of Village-
Jagang Baluaha, P.S.-Gaighat Distt.-Muzaaffarpur, Prop. J.N. Rice Mill

.... Petitioner

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies Corporation Ltd. Muzaffarpur
through its Manager.

.... Opposite Parties

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Appearance:

For the Petitioner : Mr. Anil Kumar, Advocate
For the State : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 11-04-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 08.12.2016 in
connection with Gaighat P.S. Case No. 25 of 2016 for the alleged
offences under Sections 409 and 420 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely
implicated and no offence has been committed by the petitioner. In
any event learned counsel for the petitioner invites attention to the
order of the Apex Court dated 28.02.2017 in S.L.P. (Crl.) No. 1779 of
2016 along with analogous cases wherein it has been noticed that
Clause 3 of the Deed of Agreement provides for furnishing of bank
guarantee for the value of paddy which is taken for milling, or for
pledging of the immovable property of the value of the paddy.
Certain further conditions for grant of anticipatory bail/bail have
also been enumerated therein.

4. Learned counsel for the petitioner further relies on
para 11 of the bail petition to state that the petitioner has pledged



immovable property of the value of Rs. 38.00 lakhs by Deed of Pledge in favour of the District Manager, Bihar State Food and Civil Supplies Corporation, Muzaffarpur. The petitioner claims clean antecedents. It is further stated that the petitioner is in custody since 08.12.2016 and has already suffered over four months in custody. It is further submitted that charge sheet has been submitted against the petitioner.

5. Having regard to the entirety of the facts and circumstances of the case as well as the period of custody since 08.12.2016 already suffered, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of Sri Suvash Kumar Roy, learned Judicial Magistrate Ist Class, Muzaffarpur in connection with Gaighat P.S. Case No. 25 of 2016 on the following conditions –

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

Chandran/BT

(Vikash Jain, J)

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