

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60235 of 2017

Arising Out of PS.Case No. -99 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

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Jitendra Kumar Singh son of Sri Lalji Singh resident of village -
Panchpokhri, P.O. - Kudra, District - Kaimur at Bhabua, District - Kaimur
at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation
Limited, Bhabua (Kaimur).

.... Opposite Party/s

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Appearance:

For the Petitioner/s	:	Mr. Radha Mohan Pandey, Adv.
For BSFC	:	Mr. Harish Kumar, Adv.
For the Opposite Party/s	:	Mr. Sri Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 13-12-2017

Heard learned counsel for the petitioner as well as
learned counsel representing Bihar State Food Corporation along
with learned Additional Public Prosecutor.

At an earlier occasion vide order dated 30.10.2017
passed in Criminal Miscellaneous No.48272 of 2017, learned
lower court was directed to release the petitioner on bail to its own
satisfaction after perceiving the condition so imposed by the Apex
Court duly complied with.

From the order impugned, it is evident that learned
lower court had rejected the prayer in mechanical manner. The
learned lower court should have considered that Hon'ble Apex
Court had given a liberty "The trial court/High Court will be at
liberty to pass any further order which it considers appropriate,



having regard to the individual fact situation or modify the above directions in exigencies of the situation.” There happens to be no controversy with regard to pledge of immovable property by depositing of the title deed in favour of informant and that will be as good as bank guarantee. Furthermore, the learned counsel for the petitioner has submitted that only twenty lacs is due which is going to be deposited in installments.

Be that as it may, in the facts and circumstances of the case petitioner Jitendra Kumar Singh is directed to be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each, to the satisfaction of learned Judicial Magistrate,1st, Gaya in connection with Kudra P.S. Case No.99/2015, on the same terms and conditions as inflicted by the Apex Court with a modification that instead of bank guarantee, the pledge of a document by way of depositing title deed in favour of appellant will serve the purpose which will remain with informant till final payment. However, it is made clear that petitioner would continue in depositing the money.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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