

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.5754 of 2017**

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Janardan Prasad @ Janardan Choudhary, son of late Yamuna Prasad,  
Resident of Village – Gobardhanbigha, P.S.- Katri Sarai, District –Nalanda.  
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. B. P. Pandey, Advocate

For the BSFC : Mr. Aditya Prakash Sahay, Advocate

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3      19-04-2017                      Heard learned counsel for the petitioner, Bihar State  
Food and Civil Supplies Corporation and the State.

The present application has been filed for modification of the order dated 20.07.2016, passed in Criminal Miscellaneous No.1634/2016 in connection with Sarai P.S. Case No.27/2015, pending before the learned CJM, Sheikhpura, to the extent of extending the period of surrender and to direct the learned Court below to pass order releasing the petitioner on bail since the petitioner has already deposited the alleged amount and has retired.

The prayer of the petitioner with a prayer for anticipatory bail in connection with a case registered under sections 406, 409 and 420 of the Indian Penal Code was disposed of vide order dated 20.07.2016 with liberty to the learned Court



below to consider the prayer for bail of the petitioner, if he surrenders within a period of six weeks in view of the fact that he has deposited the alleged amount, the investigation has concluded and now he has retired.

The prosecution case is that the District Manager, Sheikhpura, Bihar State Food Corporation alleged that the petitioner was made In-charge of Purchase Centre, Sheikhopur Sarai for purchase of paddy for procurement year 2011-12. The petitioner purchased 9891 quintals of paddy out of which he supplied 8693 quintals of paddy on the basis of S.I.O. to the Miller, but there were shortage of 1198 quintals of paddy, hence, he alleged to have misappropriated the same worth Rs.15,27,567/-.

The petitioner's earlier anticipatory bail application was rejected vide order dated 01.12.2015 passed in Criminal Miscellaneous No.37113 of 2015 by a co-ordinate Bench of this Court, but the petitioner renewed his prayer for bail by preferring Criminal Miscellaneous No.1634/2016 which was placed before this Court on 31.03.2016 under the orders of Hon'ble the Acting Chief Justice (now retired) since the Co-ordinate Bench, who earlier rejected the prayer for anticipatory bail of the petitioner was not available due to medical exigency. In pursuance to such situation, the matter was heard and disposed of by this Court vide



order dated 20.07.2016 with a liberty to the learned court below to consider and dispose of the bail application of the petitioner preferably on the same day, if the petitioner surrenders within a period of six weeks, in view of the fact that investigation has already concluded and the alleged amount has already been deposited moreover, the said facts have not been controverted by the learned counsel appearing on behalf of the Bihar State Food and Civil Supplies Corporation.

It is submitted by learned counsel for the petitioner that he could not surrender within the stipulated period of six weeks. Moreover, the petitioner has already deposited the entire alleged amount and investigation has already concluded. Hence, he deserves for sympathetic consideration by the learned Court below.

Under the circumstances, the order dated 20.07.2016 is modified to the extent that the period of surrender is extended by four weeks.

However, this Court sees no reason for the learned court below not to consider the prayer for bail of the petitioner, if the petitioner surrenders within a period of four weeks in view of the fact that the petitioner has deposited the entire alleged amount, investigation has concluded and he has already retired. It is



expected from the learned Court below to dispose of the bail application of the petitioner, preferably on the same day.

Accordingly, the application is disposed of.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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