

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4795 of 2017

Arising Out of PS.Case No. -59 Year- 2016 Thana -BIKRAMGANJ District- SASARAM
(ROHTAS)

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Sakil Ahmad @ Moh. Shakil Ahmad, son of Late Abdul Rauf, resident of Village- Banwaripur, Police Station- Bhagwanpur, District- Begusarai, at present Co-operative Executive Officer, office of Assistant Registrar, Co-operative Societies, District- Khagaria.

.... Petitioner

Versus

1. The State of Bihar.
2. The Managing Director, Bihar State Food and Civil Supply Corporation Limited, Khadya Bhawan, 4th Floor, Daroga Prasad Rai Path, Road No.- 2, R. Block, Patna 800001.
3. The District Manager, State Food Corporation, Rohtas (Sasaram).

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr.Advocate
with Mr.Ramashray Roy, Advocate

For BSFC : Mr. Aditya Prakash Sahay, Advocate

For the Opposite Party/s : Mr. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 10-05-2017 Heard learned counsel for the petitioner.

The petitioner is apprehending his arrest in connection with Bikramganj P.S. Case No. 59 of 2016 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

Allegation against the petitioner is of defalcation of 144.50 quintals of wheat worth Rs.2,06,062.78.

It has been submitted on behalf of the petitioner that as a matter of fact petitioner earlier wrote to the authorities about



the fact that articles have been kept in open space and damage may be caused due to that but no step was taken by the authorities, as such, the aforesaid quantity of wheat was damaged, as such, no offence is made out against the petitioner. It has also been submitted that earlier this Court directed the petitioner to appear before the Committee but petitioner has come to know that Committee is not functioning.

Heard learned APP as well as learned counsel for BSFC, who have opposed the prayer for anticipatory bail.

Having heard both sides and considering the facts and circumstances, as stated above, let the petitioner, named above, surrender in the court below along with a Bank Guarantee for Rs.2,06,062.78 within a period of four weeks from today and on depositing the said Bank Guarantee by the petitioner the court below will release him on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Sub-Judge-I-cum-Additional Chief Judicial Magistrate, Bikramganj, Rohtas, in connection with Bikramganj P.S. Case No. 59 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions that petitioner shall co-operate in the investigation and make himself available before the



police as and when required and further petitioner will not induce any witness or tamper with the evidence, otherwise prosecution will be at liberty to move for cancellation of his bail bond.

(Vinod Kumar Sinha, J)

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