

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28873 of 2017

Arising Out of PS.Case No. -157 Year- 2016 Thana -BHAWANIPUR District- PURNIA

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1. Kamal Kishore Sah, Son of Late Bhagwan Sah, Resident of Village- Bhelwa, Sondip Milik, Police Station- Bhawanipur, District- Purnea.
 2. Jai Prakash Thakur, Son of late Baldeo Thakur, Resident of Village- Sondip Milik, Police Station- Bhawanipur, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 02-08-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Bhawanipur P.S. Case No. 157 of 2016 instituted for the offence under Sections 420, 409 and 120(B)/34 of the Indian Penal Code.

It is alleged in the written report filed by the Block Co-operative Extension Officer, Bhawanipur, that petitioner No. 1 being Chairman and petitioner No. 2 being Executive Member of Sondeep Milik, Primary Agriculture Credit Society (PACS), Bhawanipur, Purnea, in furtherance with common intention committed forgery and misappropriated Government money amounting to Rs.3,87,042.50 as they have not supplied total CMR,



as per rule, to Bihar State Food Co-operation, Banmankhi, inspite of obtaining cash through Credit loan from the bank for purchasing paddy and wheat through the said PACS.

Learned counsel for the petitioner has drawn attention to the Court of Annexure-2 series from which it appears that petitioner has already deposited money amounting to Rs.3,87,042.50 and 'No Dues Certificate' has also been issued from the Purnea District Central Co-operative Bank Limited.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Bhawanipur P.S. Case No. 157 of 2016, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Purnea, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond



of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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