

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38859 of 2017

Arising Out of PS.Case No. -60 Year- 2015 Thana -UDAKISHANGANJ District- MADHEPURA
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Ashok Kumar Nidhi, Son of Late Lakshman Nidhi, resident of village-Rohar, P.S.- Birol, District- Darbhanga, the then District Manager Bihar State Food Corporation (BSFC) Supaul, PS.- Supaul, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food Corporation Madhepura through its District Manager.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the opposite party No.2 : Mr. Nirmal Kumar, Advocate.
For the Opposite Party/s : Mr. Iftekhar Mahmood, A.P.P.
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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 06-10-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Udakishunganj

P.S. Case No. 60 of 2015 instituted for the offence under Sections 406 and 420 of the Indian Penal Code.

It has been submitted that the petitioner at the relevant time was posted as District Manager, Bihar State Food Corporation, Madhepura.

In the written report it is alleged that Proprietor of miller of Yadav Rice Mill namely, Janardan Yadav, had to deposit 187 quintal of CMR worth Rs.40,49,597 during the financial year 2012-2013 to the SFC, Madhepura, but neither the aforesaid



quantity of CMR nor its price was deposited by said Janardan Yadav to the SFC, Madhepura, and for recovery of the aforesaid amount, a Certificate Case No. 17/2014-2015 was filed against said Janardan Yadav.

Learned counsel for the petitioner has submitted that he has no concern with the deposit of rice. The same was to be deposited by the Miller as mentioned in the written report. The petitioner has already taken step against the aforesaid Miller by filing Certificate Case No. 17/2014-2015. The name of this petitioner has appeared during investigation on the basis of letter dated 18.3.2015 issued by Managing Director, BSFC, Head Quarter, Patna. Much prior to issuance of aforesaid letter, the petitioner was transferred from that place as mentioned in paragraph 8 of the bail petition.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Udakishunganj P.S. Case No. 60 of 2015, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Udakishunganj (Madhepura)



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) petitioner 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 petitioner and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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