

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49278 of 2017

Arising Out of PS.Case No. -3080 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Md. Sarwar Alam @ Ram Sarwar Son of Md. Aleb @ Ayub, R/o
Village- Hatta Jhowari, P.S.- Amour, District- Purnia.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vijay Rajak S/o Jai Prakash Raj, R/o Village- Chandan Nagar, P.S.-
Sadar, District- Purnia.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. Sri Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 06-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in C.A. No. 3080 of 2015
instituted for the offence under Sections-406, 420 of the Indian Penal
Code.

It has been submitted that the petitioner is a PACS
chairman wherein the complaint has been filed by rice miller. The
complainant has entered into agreement with BSFC and the petitioner
got no concern with any agreement. The complaint has been filed by
the complainant merely to save the skin as CMR rice has not been
handed over by him to BSFC. It has been submitted that for the same
cause of action, BSFC has got registered a case bearing Amour P.S.
Case No. 30 of 2016 against the complainant as well as the petitioner
for embezzlement of CMR.



In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with C.A. No. 3080 of 2015 to the satisfaction of learned Chief Judicial Magistrate, Purnea subject to condition as laid down u/S 438(2) of the 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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