

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1978 of 2017

Arising Out of PS.Case No. -197 Year- 2016 Thana -MAKHDUMPUR District- JEHANABAD

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Gautam Kumar, son of Ram Bilas Yadav, resident of Village- Jhhitkoria,
Police Station- Makhdumpur, District- Jehanabad. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner : Mr. Birendra Kumar, Advocate

For the Opposite Party : Smt Pushpa Sinha, (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 23-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Makhdumpur P.S. Case No. 197 of 2016, registered for the
offence punishable under Section 409/34 of the Indian Penal
Code.

The petitioner being Manager of Dharnai PACS and
Chairman purchased 1794.40 quintals of paddy and he had to
deliver 1202.25 quintals of C.M.R. to the B.S.F.C., only 1022.52
quintals of C.M.R. to the B.S.F.C. was returned till 31.07.2016
and 179.73 quintals of C.M.R. remained lying with the petitioner,
the cost of which comes to Rs. 384938.75.

Submission is of false implication and that the
Chairman is responsible and he has been allowed anticipatory bail
with condition to return 3,84,938.75 and he had already returned
the said amount. The petitioner being Manager and only used to



work as per the dictation of the Chariman and, as such, now the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail, but fairly submits that Sunil Sharma, Chairman of the PACS has been allowed pre-arrest bail vide Cri. Misc. No. 46558 of 2016 with condition to deposit Rs. 3,84,938.75/- within six weeks.

In the facts and circumstances as stated above, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a 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 to the satisfaction of learned Chief Judicial Magistrate, Jehanabad, in connection with Makhdumpur P.S. Case No. 197 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

This order would be subject to verification as to whether Sunil Sharma had deposited Rs. 3,84,938.75 or not as per order passed in Cr. Misc. No. 46558 of 2016, if the amount has not been deposited then the Court below shall cancel the bail bond of the petitioner immediately.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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