

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57052 of 2017

Arising Out of PS.Case No. -51 Year- 2017 Thana -TANDWA District- AURANGABAD

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Kailash Yadav, S/o Late Muneshwar Yadav, R/o Village- Ghuranand, P.S.-
Tandwa, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 05-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Tandwa P.S. Case No. 51 of 2017** instituted for the offence under Sections 420 and 406 of the Indian Penal Code.

There is allegation in the written report that total 5734 quintal of paddy was purchased by this petitioner from 81 farmers, who was chairman of Basdiha PACS. The petitioner returned 1445 quintal of paddy to 18 farmers without taking permission from competent authority which is against the prescribed rule.

Learned counsel for the petitioner has submitted that he has returned 1445 quintal of paddy to 18 farmers after lapse of three months because the allotment for said paddy was not given by the Government or even the advice was not sent to the bank by the District Co-operative Officer, Aurangabad. Since the farmers were in need of



money, so petitioner returned the paddy.

As such, from the written report it appears that there is no allegation against the petitioner of misappropriation of government money.

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 **Tandwa P.S. Case No. 51 of 2017**, 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 **Additional Chief Judicial Magistrate-VII, Aurangabad**, 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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