

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48272 of 2017

Arising Out of PS.Case No. -99 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

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Jitendra Kumar Singh, S/o Sri Lalji Singh, Resident of Village-
Panchpokhari, P.S.- Kudara, District- Kaimur at Bhabhua.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food & Civil Supplies Corporation Ltd through its
District- Manager, Kaimur at Bhabhua.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ranjeet Choubey, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 30-10-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Petitioner happens to be one of the accused who had misappropriated/siphoned the paddy having been entrusted by the Bihar State Food & Civil Supplies Corporation Ltd., Kaimur for milling. Petitioner happens to be proprietor of the mill and in the aforesaid background, it has been alleged that 67% of rice which was required to be supplied by him on account of receipt of 3500 quintals of paddy for milling, had not been supplied.

At an earlier occasion, millers were being granted bail on deposit of certain percentage of the defalcated amount on account thereof, State had challenged those orders before the Apex Court under SLP (Crl.) No. 1779/2016 wherein, certain conditions



have been laid down, affirming the order.

It looks pertinent to incorporate those conditions.

(1) The accused in all the FIR(s), will ensure that bank guarantee, if not furnished, is furnished and if lapsed, is renewed within a period of one month from today failing which the anticipatory bail/bail granted will stand canceled.

(2) The accused will cooperate with investigation/trial and their failure to appear, when required, will be a ground for cancellation of anticipatory bail/bail. An order of cancellation will be passed by the trial court on being satisfied about such failure.

(3) The investigation will be completed within a period of three months.

(4) All the accused will be tried only at five places viz. Patna, Gaya, Chhapra, Darbhanga and Purnia by officers of the appropriate rank determined by the High Court within one week from today. The High Court may specify the area of jurisdiction of the said five courts by a public order. If required by the High Court, the State Government may sanction extra



strength of officers with requisite infrastructure so that normal work of courts is not disturbed on account of the special arrangement for these cases.

(5) The officers posted will deal with these cases exclusively. If free from their work, any other work may be assigned to the said officers.

(6) The concerned authorities will be at liberty to encash the bank guarantee(s) after holding that there is a breach of terms of the agreement which decision will be subject to appropriate remedies of the parties.

(7) If not otherwise encashed, the bank guarantee will be kept alive till the trial is over. However, deposits/furnishing of bank guarantees will be abide by further orders of the trial court, interim or final.

(8) If any amount is deposited by the accused, the said amount will be adjusted in the amount of the bank guarantee, which is to be furnished by the accused.

(9) The accused will surrender their passports to the respective courts within a period of four weeks from today and will not leave the country without prior permission from the concerned court.



After hearing rival submission, instant petition is disposed of directing the learned lower court to release the petitioner on bail to its own satisfaction after perceiving the condition so imposed by the Apex Court duly complied with.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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