

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1436 of 2017

Arising Out of PS.Case No. -111 Year- 2012 Thana -MANIHARI District- MUZAFFARPUR

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Jai Mangal Rai @ Shiv Mangal Rai, S/o Late Kodai Rai, Resident of
Village-Village-Aganagar, P.S.-Maniyari, District-Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Punam Shrivastava,
Mr. Rajendra Kumar Jain
Mr. Pradeep Kumar Sinha, Advocates.
For the Opposite Party : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 29-03-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has renewed his prayer for anticipatory bail in connection with Maniyari (Muzaffarpur) P.S. Case No. 111 of 2012 having earlier been rejected by order dated 05.09.2014 in Criminal Miscellaneous No. 23738 of 2014. Against such earlier rejection, the petitioner has approached the Apex Court which had granted liberty to the petitioner to file another bail application before the learned trial Court.

3. It is submitted that the petitioner has been falsely implicated as evident from the affidavits of about 20 villagers who have stated that no irregularity has been committed by the Mukhiya or the Panchayat Secretary and no amounts have been misappropriated in connection with subsidy in question. It is further submitted that similarly situated co-accused Ram Nath Rai who was the Panchayat Secretary has been granted anticipatory bail by this Court vide order dated 28.01.2016 in Cr. Misc. No.



48700 of 2015.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Sri Mukesh Kumar Mishra, learned Judicial Magistrate 1st Class, Muzaffarpur, in connection with Maniyari (Muzaffarpur) P.S. Case No. 111 of 2012 subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/psc

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