

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45965 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -PAUTHU District- AURANGABAD

=====

1. Surendra Sharma Son of Sri Ramadhar Sharma Resident of Village -Beri,
P.O. Latta, Police Station- Pauthu in the district of Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Navin Sharma

For the Opposite Party/s : Mr. Sri Anant Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

11 28-01-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out
of Pauthu Police Station Case No. 50 of 2016, disclosing offences
under Sections 409 and 420 of the Indian Penal Code.

According to the prosecution case, the petitioner along
with other purchased paddy from the farmers and in lieu thereof they
had to supply 1207 quintal CMR from Bhetania Pacs and 3465.40
quintal CMR from Latta Pacs to the State Food Corporation,
Aurangabad but they did not supply the same within time frame.

Learned Counsel for the petitioner has submitted that the
petitioner, being the Chairman of PACS, Latta, procured 5964
quintals paddy from the farmers against which he deposited the entire
CMR rice to the B.S.F.C, Aurangabad i.e. about 4000 quintals CMR



rice, which would be clearly evident from Annexure-3 and 4 to the supplementary affidavit filed on behalf of the petitioner. Moreover, the petitioner has already supplied required CMR rice to the B.S.F.C. Aurangabad on different dates of the year 2016 which is also evident from Annexure-2 (series) to the this petition. Therefore, no case of embezzlement of government money is made out against this petitioner, hence, he deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, in the event of his arrest or surrender before the Court below within six weeks, 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 Additional Chief Judicial Magistrate-II, Aurangabad, in connection with Pauthu Police Station Case No. 50 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

brajesh/-

U		T	
---	--	---	--

