

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3244 of 2017

Arising Out of PS.Case No. -82 Year- 2015 Thana -DUMRA District- SITAMARHI

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1. Ashok Kumar son of Late Yogendra Pandey R/o Village - Heerapur, P.S.
- Kundwa Chainpur, District - East Champaran at Motihari, at present Block
Agriculture Officer, Bairstania, at Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Krishna Prasad Singh, Assistant, Bihar State Food Corporation,
Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 06-03-2017 Heard the parties.

The petitioner is apprehending his arrest in connection with
Dumra P.S.Case No.82 of 2015 registered for offences punishable
under Sections 420, 406, 439 and 34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that there was no
shortage of paddy at the purchase centre rather the miller did not
lift the paddy from the purchase centre and the paddy remained in
the Godown and due to moisture condition, the paddy deteriorated
and later on, the remaining part had been auctioned, as such no
case is made out against the petitioner. The other co-accused have
already been granted anticipatory bail by this Court, vide order
dated 20.09.2016 passed in Cr. Misc. No.37814 of 2016.

Heard learned A.P.P. and the learned counsel for the BSFC.



The learned counsel for the BSFC has submitted that so far letter written by the petitioner is concerned, a general letter was issued by the District Magistrate, Sitamarhi and the BSFC had requested for depositing the same in the Godown but no step was taken for depositing the same in the Godown and now a plea had been taken that due to damage of paddy, there is some shortage of paddy.

Having heard both sides and in view of the fact that the other co-accused have been granted anticipatory bail by this Court, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.50,000/- (Fifty Thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Sitamarhi in connection with Dumra P.S.Case No.82 of 2015, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner shall co-operate in the investigation of the case and will produce whatever materials before the Investigating Officer, who will examine the same and it is open to the prosecution to move for cancellation of the bail bond of the petitioner, if any serious material comes against the petitioner.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)



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