

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56017 of 2017

Arising Out of PS.Case No. -127 Year- 2017 Thana -BITHAN BAZAR District- SAMASTIPUR

- =====
1. Shri Shatrudhan Prasad @ Shatrudhan Prasad, son of Shri Chhotkan Mahto, resident of village- Pusho, P.S.- Bithan, District- Samastipur,
 2. Shri Rajesh Mukhiya @ Rajesh Mukhiya, son of Umesh Chandra Mukhiya, resident of village- Belahi, P.S.- Bithan, District- Samastipur.
- Petitioner/s

Versus

1. The State of Bihar.
2. Food Corporation of Bihar Ltd.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Opposite Party/s : Mr. Madhuranand Jha, APP
Mr. Harish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 19-12-2017

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Bithan P.S.**

Case No.127 of 2017 instituted for the offence under Section(s)
406, 420 Indian Penal Code.

There is allegation against petitioner no.1 that he being Chairman of Pusho PACS has misappropriated 564.80 quintals of rice total value of which is Rs.13,41,989/- and allegation against petitioner no.2 is that he being the Chairman of Jagmohra PACS has misappropriated 269.34 quintal of rice total value of which is Rs.6,39,952/-.

Counsel for the petitioners has pointed out Annexure-2 and 2/1 issued by the Branch Manager, Samastipur District Central Co-operative Bank Ltd., wherein, it has been



mentioned that entire amount has been deposited by the aforesaid PACS Chairman and there is no due with them.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Bithan P.S. Case No.127 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of `10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Sub-Divisional Judicial Magistrate, Rosera**, 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) petitioners 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 petitioners and (3) if petitioners tamper 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 petitioners.

(Sanjay Priya, J)

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