

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2205 of 2017

Arising Out of PS.Case No. -82 Year- 2016 Thana -SAHAR District- BHOJPUR

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1. Brij Mohan Giri, S/o Late Jagdish Giri, resident of village - Fatehpur Mathia, P.S. Sahar, District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 31-01-2017 Heard the learned counsel for the petitioner as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Sahar P.S. Case No. 82 of 2016 for the offences punishable under sections 406 and 420 of the I.P.C.

Allegedly, the petitioner being Chairman of Andhari Pacs purchased 4900 quintals paddy and accordingly 328.30 metric tone rice was to be supplied to the State Food Corporation, but only 40 metric tone rice was supplied and rest 288.30 metric tone rice was not supplied, value of which comes to Rs. 60,66,201=80 paise.



Submission is that the petitioner has supplied paddy to the rice miller and the rice miller has not supplied the rice, this is the fault of the rice miller and not of the petitioner, the petitioner has filed case against the rice miller and others, however, the petitioner is ready to deposit 20% of the said amount of Rs.60,66,201=80 paise within one year.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner.

In the facts and circumstances as stated above, the petitioner is directed to deposit 20% of the said amount of Rs. 60,66,201=80 paise within nine months through the Bank draft in favour of the State Food Corporation, Bhojpur and in the meantime the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on provisional anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. A.C.J.M-IX, Bhojpur, Ara in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

After deposit of 20% of the said amount the petitioner will file certificate accordingly in the learned court below and then the provisional anticipatory bail granted to the petitioner shall be



confirmed by the learned court below itself, failing which the provisional anticipatory bail granted to the petitioner shall be deemed to be cancelled.

(Jitendra Mohan Sharma, J)

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