

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34372 of 2016

Arising Out of PS.Case No. -188 Year- 2016 Thana -KUDRA District- BHABHUA (KAIMUR)

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1. Chandan Kumar Singh, son of Daya Shankar Singh, resident of Village Sakari, Police Station- Kudra, District- Kaimur (Bhabua), M/S Chandan Mini Rice Mill, Kudra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The State Food Corporation through its Managing Director, Patna, Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate

For the Opposite Party No.1: Mr. Mustaque Alam, APP

For the Opposite Party No.2: Ms. Aishwarya Riti, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

13/ 01-05-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Kudra P.S. Case No.188 of 2016 instituted for the offence under Section(s) 409 and 420 Indian Penal Code.

There is allegation against the petitioner that he lifted 4900.00 paddy for milling out of which 1620.00 quintal CMR was delivered and the rest CMR to the tune of 1898.20 quintals was not delivered and thereby the petitioner has defalcated ₹36,01,326.80.

Counter Affidavit has been filed on behalf of the BSFC. It is mentioned in para 9 of the Counter Affidavit that the petitioner is supposed to give bank guarantee for the value of



1663.00 quintals of paddy at the rate of ₹1304/- per quintal, which comes to ₹19,02,828/- after adjusting ₹13,50,000/- which has already been paid by the petitioner. As per order of the Hon'ble Supreme Court, the bank guarantee has to be furnished within one month.

In such circumstances, the petitioner, named above, is directed to surrender before the Chief Judicial Magistrate, Kaimur at Bhabhua, within six weeks from today in connection with Kudra P.S. Case No.188 of 2016, along with bank guarantee of Rs.19,02,828/-, and in the event the Court below is satisfied that bank guarantee of the aforesaid amount has been furnished by the petitioner, the Court below shall release the petitioner, named above, on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Court below 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) petitioner 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 petitioner and (3) if



petitioner tampers 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 petitioner.

It is made clear that in the event bank guarantee is not submitted within the aforesaid period, the Court below will not release the petitioner on anticipatory bail.

The application is, accordingly, disposed off.

(Sanjay Priya, J)

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