

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26571 of 2017

Arising Out of PS.Case No. -26 Year- 2017 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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Vinod Kumar Son of Late Jai Singh, resident of Village+Post-Daulatpur,
P.S.-Kalpa, District-Jehanabad.

.... Petitioner

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies Corporation Ltd.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary
For the State. : Mr. Jharkhandi Upadhyay, APP
For the BSFC : Mr. Mayank Shekhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

5 17-10-2017 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for BSFC.

The petitioner seeks pre-arrest bail in connection with

Durgawati P. S. Case No. 26 of 2017 registered under Sections

409 and 420 of the Indian Penal Code.

It is submitted by the learned counsel for the

petitioner that the instant Durgawati P. S. Case. No. 26 of 2017

dated 07.02.2017 registered under Section 409 and 420 of the

Indian Penal Code is counter blast of Durgawati P. S. Case No.

22 of 2017 dated 03.02.2017 registered on the basis of the



statement made by the petitioner. He submitted that the aforesaid Durgawati P. S. Case No. 22 of 2017 has been investigated upon and supervised by the Deputy Superintendent of Police, who have found the allegation made in the complaint to be true. He contended that since the petitioner had handed over charge on 02.11.2016, so there could not have been any occasion for him to make entry in the godown after he made over the charge.

Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor for the State and Mr. Mayank Shekhar, learned counsel for BSFC submitted that no final report has been submitted till date in either of the two cases. However, after going through the case diary, they admitted that allegation made by the petitioner in Durgawati P. S. Case No. 22 of 2017 has been found to be true in the initial investigation and the supervision made by the supervising authority.

Regard being had to the facts and circumstances of the case, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in Durgawati P. S. Case No. 26 of 2017, subject to the



conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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