

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48211 of 2017

Arising Out of PS.Case No. -40 Year- 2017 Thana -KAARAMCHAT SAHAYAK District-
BHABHUA (KAIMUR)

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1. Sri Ram Bharat Singh Son of Ramashish Singh Resident of village-
Siswar, P.S.- Karamchat, District- Kaimur (Bhabua)

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Kumar, Adv.

For the BSFC : Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 06-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Karamchat P.S. Case No. 40 of 2017 instituted for the offence under Sections-409, 420/34 of the Indian Penal Code.

Counsels for the petitioner and BSFC are present.

Counsel for petitioner has submitted that in the instant case, the PACS Chairman Sri Laxmain Singh was granted anticipatory bail by this court vide order dated 18-10-2017 passed in Cr. Misc. No. 45743 of 2017 in terms of orders of Hon'ble Supreme Court on furnishing bank guarantee for the entire amount of loss suffered by BSFC within a period of five months from his release as mentioned in detail in the aforesaid order.

This petitioner is the PACS manager of Kudari (same



PACS).

In such circumstances, since the bank guarantee for loss amount has already been furnished by the PACS chairman, counsel for the petitioner has submitted that the petitioner is not required to submit further bank guarantee in the instant case.

Counsel for the BSFC has submitted that in the event, the PACS chairman deposits the amount of bank guarantee for loss suffered by the BSFC, in that event, the anticipatory bail petition may be allowed subject to condition that he will be liable to furnish bank guarantee for the loss suffered by the BSFC, in the event, the PACS chairman fails to furnish the same in compliance of Hon'ble Courts order dated 18-10-2017 passed in Cr. Misc. No. 45743 of 2017.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, furnish affidavit that he will be liable to furnish bank guarantee for the loss amount suffered by BSFC in the event, the PACS Chairman fails to furnish the same in compliance of order of this court passed in Cr. Misc. No. 49743 of 2017 and after filing such affidavit, he shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Karamchat P.S. Case No. 40 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Kaimur at Bhabua subject to condition as laid down



u/S 438(2) of the 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, the PACS Chairman fails to furnish bank guarantee for the amount of loss suffered by BSFC, the BSFC will be at liberty to file petition for cancellation of bail of the petitioner , if the petitioner does not agree to furnish bank guarantee for loss amount of BSFC, in terms of order passed above.

(Sanjay Priya, J)

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