

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62458 of 2017

Arising Out of PS.Case No. -114 Year- 2011 Thana -GORIAKOTHI District- SIWAN

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Vijay Kumar Singh, son of late Ramayan Singh, resident of village
Karnpura, P.S. G.B. Nagar, Distt. Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate.

For the Opposite Party/s : Smt. Anita Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 21-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Goreakothi (G.B. Nagar) P.S. Case No. 114 of 2011** instituted for the offence under Sections 406 and 409 of the Indian Penal Code.

It is alleged in the written report that petitioner being PDS dealer withdraw 426.13 quintal rice in the year 2001 to 2006-07 under Sampurna Gramin Rojgar Yojana and during audit of SGRY Sarva Sampurna Gramin Yojana, it was found that 426.13 quintal of food grain is still in possession of this petitioner and the value of alleged food grain is Rs.5,83,798/- which was to be realized from the petitioner.

Learned counsel for the petitioner has submitted that licence of the petitioner has already been cancelled on 27.03.2003. He has no concern for the period 2002-03 and onwards as his license had already been cancelled during that period. Learned counsel for the



petitioner has pointed out Annexure-2 which is report of the Block Development Officer, Goriya Kothi, wherein it is mentioned that 3.50 quintal of rice was in possession of this petitioner and the license of the petitioner has already been cancelled.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Goreakothi (G.B. Nagar) P.S. Case No. 114 of 2011**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Siwan**, 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.

(Sanjay Priya, J)

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