

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13203 of 2017

Arising Out of PS.Case No. -111 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

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Sanjay Kumar Singh, son of Sant Prasad Rai, resident of village Lalapur,
P.S. Kudra, District Kaimur.

.... Petitioner

Versus

1. State of Bihar
2. The Bihar State Food and Civil Supplies Corporation through the
District Manager, Kaimur (Bhabhua).

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Sumeet Kumar Singh, Advocate
For the BSF : Mr. Shailendra Kumar Singh, Advocate
For the State : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 18-03-2017 Heard learned counsel for the petitioner, learned
counsel for the Corporation and learned APP for the State.

2. The petitioner is in custody since 25.01.2017 in
connection with Kudra P.S. Case No. 111 of 2015 for the alleged
offences under Sections 409 and 420 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely
implicated and no offence has been committed by the petitioner. In
any event learned counsel for the petitioner invites attention to the
order of the Apex Court dated 28.02.2017 in S.L.P. (Crl.) No. 1779
of 2016 along with analogous cases wherein it has been noticed
that Clause 3 of the Deed of Agreement provides for furnishing of
bank guarantee for the value of paddy which is taken for milling, or
for pledging of the immovable property of the value of the paddy.
Certain further conditions for grant of anticipatory bail/bail have
also been enumerated therein.

4. Learned counsel for the petitioner relies on para
19 of the bail petition to state that the petitioner has pledged



immovable property of the value of Rs. 64.00 lakhs by Deed of Pledge in favour of the District Manager, Bihar State Food and Civil Supplies Corporation, Kaimur at Bhabua. The petitioner claims clean antecedents. It is further stated that the petitioner is in custody since 25.01.2017 and has already suffered about two months in custody.

5. Learned counsel for the Corporation appears and has been heard.

6. Having regard to the entirety of the facts and circumstances of the case as well as the period of custody since 25.01.2017 already suffered, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhabua, District Kaimur in connection with Kudra P.S. Case No. 111 of 2015 on the following conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/BT

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