

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2404 of 2017

Arising Out of PS.Case No. -63 Year- 2015 Thana -Kudra District- BHABHUA (KAIMUR)

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Nand Kishore Singh, Son of Late Ram Awtar Singh, Resident of Village – Lalpur
Kustra, P.S. - Kudra, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Bihar Food Supply Department.
2. The District Manager, Bihar State Food Corporation, District - Kaimur at Bhabua.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 11-04-2018

Petitioner has moved this Court for setting aside the order dated 20.09.2017 passed in Cr.Rev.No.143/2017 by the learned Sessions Judge, Kaimur at Bhabhua. The learned Sessions Judge has upheld the order dated 06.06.2017 passed by the learned Chief Judicial Magistrate, Kaimur at Bhabhua whereby the bail bond of the petitioner has been cancelled and warrant of arrest has been issued against him in connection with Kudra P.S. Case No.63 of 2015 registered for the offences under Sections 409 and 420 of the Indian Penal Code.

A perusal of the order passed by the learned Sessions Judge would show that it is a well reasoned order whereunder the



learned Sessions Judge has taken note of the order passed by the Hon'ble Supreme Court in the connected matters in SLP No.1779 of 2016 and having found that the petitioner has not submitted the bank guarantee and the period provided for submission of the bank guarantee has lapsed, if the learned Chief Judicial Magistrate has cancelled the bail bond, no illegality or infirmity has been found with the same.

Learned counsel for the petitioner while arguing on behalf of the petitioner submits that this Court while granting him anticipatory bail had found distinguishable facts in this case and for that reason only he was granted bail, moreover he was not a party in the SLP preferred before the Hon'ble Supreme Court in which the order for cancellation of bail was passed. Learned counsel submits that considering the circumstances under which the petitioner was granted the relief this Court may set aside the impugned orders and the bail bond cancelled may be restored.

On the other hand, learned counsel representing the BSFC has opposed the application submitting that the order passed by the Hon'ble Apex Court is crystal clear that it covers all the cases whereunder the parties have failed to submit bank guarantee and violated the terms and conditions of the agreement. Petitioner is one of the persons who had though entered into agreement but had not



furnished the bank guarantee and even during the period provided by the Hon’ble Supreme Court he has failed to submit bank guarantee and has caused huge loss to the Corporation.

Having heard learned counsel for the parties and on perusal of the records, this Court is of the considered opinion that the learned Chief Judicial Magistrate has cancelled the bail bond for the reasons found in the order passed by the Hon’ble Apex Court and the learned Sessions Judge has correctly appreciated the order passed by the learned Chief Judicial Magistrate.

Sitting in its Constitutional jurisdiction, this Court would not interfere with the impugned orders. The application is dismissed.

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	13.04.2018
Transmission Date	

