

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.48225 of 2017**

Arising Out of PS.Case No. -98 Year- 2017 Thana -RAMGARH District- BHABHUA (KAIMUR)

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1. KAMLESH KUMAR TIWARY @ KAMLESH TIWARY Son of Madan  
Tiway Resident of village- Tiway Chak, P.S.- Bihta, District- Patna

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Smt. Usha Kumari Singh,

For the BSFC : Mr. Sanjeev Kumar.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

5      29-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Ramgarh P.S. Case  
No. 98 of 2017 instituted for the offence under Sections-420, 409  
of the Indian Penal Code.

The allegation in the complaint is that the complainant  
is a businessman of Rice Mill who has a godown in the mauza  
Sijhua. It is alleged that on the saying of this petitioner, the  
complainant gave his godown on rent to the State Food  
Corporation in the year, 2013 to keep the paddy purchased by  
State Food Corporation. This petitioner was in-charge of godown.  
The key and lock of godown was also in his hand. The  
complainant has further stated that this petitioner used to come to  
load and unload the rice on truck and tractor and for that the



complainant was not concerned. The complainant alleged that this petitioner sold 15000/- bags of paddy and lodged a false case against the complainant for aforesaid loss of paddy.

The petitioner has enclosed the FIR of the case lodged by this petitioner against the complainant vide Ramgarh P.S. Case No. 119 of 2016 for offence under Sections-457 & 380 of the Indian Penal Code for misappropriation of 15000 bags of paddy from the godown as Annexure-3 to this petition.

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, 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 in Ramgarh P.S. Case No. 98 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, 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 liable to 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)**

A.K.V./-

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