

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.57474 of 2017**

Arising Out of PS.Case No. -55 Year- 2017 Thana -CHARIABARIYARPUR District-  
BEGUSARAI

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1. Basudeo Das, S/o Late Dhani Das, R/o P.S.- Jasidih, District- Deoghar,  
Jharkhand.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Bihar State Food & Civil Supply Corporation Ltd, Khadya Bhawan,  
Daroga Rai Path, R-Block, Patna.

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

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**Appearance :**

For the Petitioner/s : Mr. Bidhan Chandra Jha

For the Opposite Party/s : Mr. Nawal Kishore Prasad

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

3      18-01-2018                      Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Cheriya Bariyarpur  
P.S. Case No. 55 of 2017 instituted for the offence under Sections  
409 of the IPC.

Learned counsel for the petitioner has submitted that he  
has already handed over the charge of the godown on 27.09.2016  
to one Sri Kumar Gautam. The copy of the charge report has been  
filed along with written report at the running page 15 to this  
petition. From the written report itself, it appears that after about 6  
months of handing over the charge, FIR has been lodged against  
this petitioner making allegation that the petitioner has defalcated  
the grain amounting to Rs. 31518968.18/-. It is mentioned in the



written report that after handing over the charge, the stock register of the godown was checked and amount of defalcation has been determined.

In this manner, from the written report itself, it appears that the charge has already been given by this petitioner on 27.9.2016 to one Kumar Gautam appointed as Assistant Manager of godown and after about 6 months of the handing over the charge by this petitioner, FIR has been lodged leveling allegation against this petitioner.

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 bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Cheriya Bariyarpur P.S. Case No. 55 of 2017 to the satisfaction of learned C.J.M., Begusarai 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 dated fixed by the court and absence on two consecutive dates without



proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the 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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