

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2953 of 2018

Arising Out of PS. Case No.-86 Year-2015 Thana- SHEOHAR District- Sheohar

Rakesh Raushan Son of Gauri Shankar Singh, R/o Village- Abhirjpur Bairiya, P.S.-
Piparahi, District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food Corporation, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumod Kumar Shrivastava
For the Opposite Party/s	:	Mr. Dr. Rabindra Kumar APP
For the BSFC	:	Mr. Niraj Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 16-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Sheohar P.S. case no. 86 of 2015 instituted for the offence under Section(s) 406, 409, 420, 465, 467, 468, 470 and 120B of the Indian Penal Code and Section 13(2) read with Section 13(1)(D) of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner has submitted that this petitioner, during the relevant time, was the Executive Assistant-cum-in-charge of Piparahi purchase Centre. He is not named in the F.I.R. The name of the petitioner has come subsequently during investigation. It is further submitted that, in fact, the paddy were received by the miller which will be apparent from running pages 68 to 71 to the bail petition, which



is part of the F.I.R. from which it appears that miller had issued necessary receipt with regard to receiving of the paddy. One of the co-accused, namely, Brahma Kumar, of this case with similar allegation has been released on anticipatory bail by this Court vide order dated 8.2.2018 passed in Cr. Misc. no. 433 of 2018.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Sheohar P.S. case no. 86 of 2015, 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 the learned Judicial Magistrate 1st Class, Darbhanga 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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